

THIRTY-FIRST DAY

St. Paul, Minnesota, Thursday, April 10, 1975

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

CALL OF THE SENATE

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

Anderson	Conzemius	Kirchner	Olson, J. L.	Stumpf
Arnold	Davies	Kleinbaum	O'Neill	Tennessen
Ashbach	Doty	Kowalczyk	Patton	Ueland
Berg	Gearty	Larson	Perpich, A. J.	Wegener
Bernhagen	Hansen, Baldy	McCutcheon	Perpich, G.	Willet
Borden	Hanson, R.	Moe	Pillsbury	
Brataas	Hughes	Ogdahl	Purfeerst	
Chmielewski	Humphrey	Olson, A. G.	Schmitz	
Coleman	Keefe, S.	Olson, H. D.	Spear	

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

Prayer was offered by the Chaplain, Rev. Amos C. Brown.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Brown, Jensen and Sillers were excused from the Session of today. Mr. Perpich, G. was excused from the Session of

today, from 10:30 o'clock a.m. until 1:30 o'clock p.m. Mr. Milton was excused from the Session of today from 2:00 o'clock p.m. until 3:00 o'clock p.m. Mr. Olson, J. L. was excused from the Session of today beginning at 5:05 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 7, 1975

The Honorable Alec G. Olson
President of the Senate

Sir:

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

S. F. No. 613, An act relating to the city of Austin; authorizing the city of Austin to establish and maintain a downtown mall.

Sincerely,
Wendell R. Anderson, Governor

April 8, 1975

The Honorable Alec Olson
President of the Senate
State of Minnesota

Dear Sir:

The following appointment to the Minnesota Higher Education Facilities Authority is hereby respectfully submitted to the Senate for confirmation as required by law:

Robert Bonine, 2376 Pagel Road, Mendota Heights, Dakota County, effective January 1, 1975, for a term expiring January 1, 1981.

Sincerely,
Wendell R. Anderson, Governor

Referred to the Committee on Education.

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 1975 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1975	Date Filed 1975
	139	24	April 4	April 4
435		25	April 4	April 4

Sincerely,
Joan Anderson Growe
Secretary of State

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 1975 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1975	Date Filed 1975
613		26	April 7	April 7

Sincerely,
Joan Anderson Growe
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mr. O'Neill introduced—

S. F. No. 1384: A bill for an act relating to retirement; salary assumptions for actuarial purposes; amending Minnesota Statutes 1974, Section 356.21, Subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Ueland introduced—

S. F. No. 1385: A bill for an act relating to appropriations; appropriating money to the state planning agency to aid in financing the restoration of water quality in Crystal Lake.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Tennesen; Keefe, J. and Spear introduced—

S. F. No. 1386: A bill for an act relating to courts; juvenile court records; establishing a procedure for expunging the records; providing a penalty; amending Minnesota Statutes 1974, Chapter 260, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Spear, Ogdahl and Keefe, S. introduced—

S. F. No. 1387: A bill for an act relating to dissolution of marriage; annulment and separate maintenance and disposition of

property; amending Minnesota Statutes 1974, Sections 518.58; 518.61; 518.64; 518.65; and Chapter 518, by adding a section; repealing Minnesota Statutes 1974, Sections 518.59 and 518.63.

Referred to the Committee on Judiciary.

Mr. Kowalczyk introduced—

S. F. No. 1388: A bill for an act relating to public health; requiring school nurses to take throat cultures and test for infection; amending Minnesota Statutes 1974, Section 145.085, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Hughes, O'Neill and Humphrey introduced—

S. F. No. 1389: A bill for an act relating to education; state aids; levies and levy limitations; granting additional pupil unit weighting for handicapped pupils and pupils from families receiving aid to dependent children; increasing foundation aids; providing aid to school districts to offset costs of desegregation, tax revenue losses and declining enrollment; allowing additional capital outlay levy; allowing cities of the first class an additional levy; amending Minnesota Statutes 1974, Sections 124.04; 124.17, Subdivision 1; 124.212, by adding subdivisions; 124.215, by adding subdivisions; 124.32, Subdivision 2; and 275.125, Subdivision 3.

Referred to the Committee on Education.

Messrs. Doty, Keefe, J. and Tennesen introduced—

S. F. No. 1390: A bill for an act relating to landlords and tenants; providing additional remedies for landlords and tenants; providing penalties; amending Minnesota Statutes 1974, Sections 487.17; 488A.01, Subdivision 5; 488A.18, Subdivision 6; Chapter 504, by adding sections; Chapter 566, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Pillsbury, Hughes and Keefe, J. introduced—

S. F. No. 1391: A bill for an act relating to water and related land resources management; amending Minnesota Statutes 1974, Section 378.31, Subdivision 2, and by adding a subdivision; repealing Laws 1945, Chapter 163.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Pillsbury and Ashbach introduced—

S. F. No. 1392: A bill for an act relating to taxation; tax upon open spaces, agricultural and timber lands; repealing Minnesota Statutes 1974, Sections 273.111 and 273.112.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson and Arnold introduced—

S. F. No. 1393: A bill for an act relating to natural resources; creating the natural resource land fund and authorizing the issuance of state bonds to provide money for appropriation from the fund for acquisition of public lands and interests in land needed for natural resource programs; appropriating money from the fund for this purpose; appropriating money from the general fund for payment of bonds.

Referred to the Committee on Natural Resources and Agriculture.

Mr. Arnold introduced—

S. F. No. 1394: A bill for an act relating to military affairs; allowing an employee who wishes to be a member of a color guard or an honor guard at a military funeral time off from his employment.

Referred to the Committee on Transportation and General Legislation.

Mr. Arnold introduced—

S. F. No. 1395: A bill for an act relating to elections; prohibiting interference with candidacy; permitting public officials time off to attend meetings of their public offices; prohibiting retaliatory action by employers; amending Minnesota Statutes 1974, Section 211.10.

Referred to the Committee on Transportation and General Legislation.

Mr. Solon introduced—

S. F. No. 1396: A bill for an act relating to taxation; providing for classification of watercraft used for rental dwellings as class 3 property; amending Minnesota Statutes 1974, Section 273.13, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. McCutcheon and Gearty introduced—

S. F. No. 1397: A bill for an act relating to state government; providing for compensation for classified and unclassified state employees; appropriating money.

Referred to the Committee on Governmental Operations.

Messrs. Schrom, Larson and Hansen, Baldy introduced—

S. F. No. 1398: A bill for an act relating to taxation; defining "common carrier" for certain purposes in connection with the

sales and use tax; amending Minnesota Statutes 1974, Section 297A.01, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Borden introduced—

S. F. No. 1399: A bill for an act relating to the department of public safety; highway patrol; communications officers.

Referred to the Committee on Transportation and General Legislation.

Mr. Borden introduced—

S. F. No. 1400: A bill for an act relating to Aitkin county; authorizing issuance of additional on-sale intoxicating liquor licenses.

Referred to the Committee on Labor and Commerce.

Mr. Borden introduced—

S. F. No. 1401: A bill for an act relating to retirement; authorizing optional early retirement for constitutional officers or commissioners; amending Minnesota Statutes 1974, Sections 352C.03, by adding a subdivision; and 352C.04, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Borden introduced—

S. F. No. 1402: A bill for an act relating to the highway patrolmen's retirement association; disability benefits; providing that disability benefits shall not be reduced by amounts received or receivable under workmen's compensation laws; amending Minnesota Statutes 1974, Section 352B.10.

Referred to the Committee on Governmental Operations.

Messrs. Gearty and Ogdahl introduced—

S. F. No. 1403: A bill for an act relating to the district court; increasing the compensation for retired judges hearing cases; amending Minnesota Statutes 1974, Section 484.62.

Referred to the Committee on Judiciary.

Mrs. Brataas and Messrs. Laufenburger and Frederick introduced—

S. F. No. 1404: A bill for an act relating to unemployment compensation; excluding from benefits those persons employed by a municipality for a school year; amending Minnesota Statutes 1974, Section 268.08, Subdivision 5.

Referred to the Committee on Labor and Commerce.

Messrs. Bang and Ogdahl introduced—

S. F. No. 1405: A bill for an act relating to the city of Edina; establishing terms for certain municipal offices.

Referred to the Committee on Metropolitan and Urban Affairs.

Mrs. Brataas and Messrs. Frederick and Lewis introduced—

S. F. No. 1406: A bill for an act relating to education; increasing foundation aid; amending Minnesota Statutes 1974, Section 124.212, Subdivisions 1, 6a, and 7a.

Referred to the Committee on Education.

Messrs. Bang, Laufenburger and Keefe, S. introduced—

S. F. No. 1407: A bill for an act relating to elections; preventing absentee voters from voting twice in an election; amending Minnesota Statutes 1974, Chapter 207, by adding a section.

Referred to the Committee on Transportation and General Legislation.

Messrs. Arnold and Perpich, A. J. introduced—

S. F. No. 1408: A bill for an act relating to labor; occupational safety and health; defining terms; requiring minimum posting time of citations; enforcement; notice to employee representative; providing a minimum penalty in a specified instance; amending Minnesota Statutes 1974, Sections 182.651, Subdivision 12; 182.66, Subdivision 2; 182.661, Subdivisions 1 and 3; and 182.666, by adding a subdivision.

Referred to the Committee on Labor and Commerce.

Messrs. Willet, Moe and Solon introduced—

S. F. No. 1409: A bill for an act relating to appropriations; appropriating money to the commissioner of public welfare for the purpose of making grants for daytime activity centers for handicapped persons.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Davies, Coleman and Ogdahl introduced—

S. F. No. 1410: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; removing references to legislative days.

Referred to the Committee on Judiciary.

Messrs. Hansen, Baldy; Olson, J. L. and Laufenburger introduced—

S. F. No. 1411: A bill for an act relating to education; agreements when school district has insufficient funds to pay orders; increasing the maximum permissible interest rate to eight percent per year; amending Minnesota Statutes 1974, Section 124.06.

Referred to the Committee on Education.

Messrs. Hansen, Baldy; Larson and Schrom introduced—

S. F. No. 1412: A bill for an act relating to workmen's compensation; authorizing coverage for owners of family farms and family farm corporations and for certain members of their families; amending Minnesota Statutes 1974, Sections 176.011, Subdivision 11a; 176.012; and 176.051.

Referred to the Committee on Labor and Commerce.

Messrs. Willet, Sillers and Anderson introduced—

S. F. No. 1413: A bill for an act relating to crimes and criminals; providing penalties for certain acts relating to livestock; amending Minnesota Statutes 1974, Chapter 609, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Lewis, Ashbach and Moe introduced—

S. F. No. 1414: A bill for an act relating to education; school districts; data processing services; authorizing joint boards to hold title to property.

Referred to the Committee on Education.

Messrs. Olhoff; Olson, J. L. and Moe introduced—

S. F. No. 1415: A bill for an act relating to public welfare; authorizing an experimental program for the cost of home care of mentally retarded children; appropriating money; amending Minnesota Statutes 1974, Section 252.27, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Knutson, Doty and Kowalczyk introduced—

S. F. No. 1416: A bill for an act relating to taxation; providing a deduction for prosthetic appliances used by permanently handicapped people; amending Minnesota Statutes 1974, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Borden and North introduced—

S. F. No. 1417: A bill for an act relating to taxation; distributing

certain gross earnings taxes to local governments; appropriating money; amending Minnesota Statutes 1974, Section 294.26; and Chapter 477A, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hughes; Keefe, J. and Lewis introduced—

S. F. No. 1418: A bill for an act relating to restaurants; requiring restaurants to provide both butter and oleomargarine for customer's use; amending Minnesota Statutes 1974, Section 33.09.

Referred to the Committee on Labor and Commerce.

Messrs. Hughes, O'Neill and Anderson introduced—

S. F. No. 1419: A bill for an act relating to education; school districts; setting a ceiling on tuition payments paid by one district to another; providing state aid; amending Minnesota Statutes 1974, Section 124.18, by adding a subdivision.

Referred to the Committee on Education.

Messrs. Chenoweth, Coleman and Stumpf introduced—

S. F. No. 1420: A bill for an act relating to the city of St. Paul; providing for two additional commissioners for the St. Paul housing and redevelopment authority; requiring representation of low and moderate income areas; amending Laws 1963, Chapter 514, Section 1.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. McCutcheon, Coleman and Chenoweth introduced—

S. F. No. 1421: A bill for an act authorizing the city of Saint Paul to rezone lots or tracts of land in certain circumstances without the consent of landowners in the immediate vicinity.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. North, McCutcheon and Chenoweth introduced—

S. F. No. 1422: A bill for an act relating to local government; authorizing political subdivisions to impose charges for emergency or paramedic ambulance services; amending Minnesota Statutes 1974, Section 471.476, Subdivision 2.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Stumpf, O'Neill and McCutcheon introduced—

S. F. No. 1423: A bill for an act relating to the city of St. Paul; authorizing restoration of sick leave in certain circumstances.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. McCutcheon, O'Neill and Stumpf introduced—

S. F. No. 1424: A bill for an act relating to retirement; financing teachers retirement in Independent School District No. 625; amending Laws 1965, Chapter 705, Section 1, Subdivision 4.

Referred to the Committee on Governmental Operations.

Messrs. North, O'Neill and Chenoweth introduced—

S. F. No. 1425: A bill for an act relating to the city of Saint Paul; authorizing the city to directly negotiate and enter into contracts for solid waste collection and disposal; exempting such contracts from the Minnesota antitrust law of 1971.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Laufenburger, Stassen and Purfeerst introduced—

S. F. No. 1426: A bill for an act relating to highways; municipal state-aid street system; payment of contract price; amending Minnesota Statutes 1974, Section 162.10.

Referred to the Committee on Transportation and General Legislation.

Mr. Anderson introduced—

S. F. No. 1427: A bill for an act relating to highway traffic regulations; driving under the influence of drugs or alcoholic beverages; prohibiting driving under the influence of a controlled substance; providing penalties; amending Minnesota Statutes 1974, Section 169.121, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Stumpf, Coleman and O'Neill introduced—

S. F. No. 1428: A bill for an act relating to the capitol area architectural and planning commission; authorizing the city of St. Paul to expend moneys held by it in accordance with the city capital improvement budget; amending Minnesota Statutes 1974, Section 15.50, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Coleman, O'Neill and Chenoweth introduced—

S. F. No. 1429: A bill for an act relating to the city of Saint Paul; compensation of elected officers; amending Laws 1973, Chapter 691, Section 4, Subdivision 3.

Referred to the Committee on Metropolitan and Urban Affairs.

Mr. Hughes introduced—

S. F. No. 1430: A bill for an act relating to taxation; providing a homestead property tax freeze for retired persons 62, 63 and 64 years old; amending Minnesota Statutes 1974, Section 273.011, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson, Ashbach and Doty introduced—

S. F. No. 1431: A bill for an act relating to education; learning disabled and mildly retarded children; establishing a pilot program for in-service training of teachers; appropriating money.

Referred to the Committee on Education.

Mr. Hughes introduced—

S. F. No. 1432: A bill for an act relating to education; higher education coordinating commission; providing procedure for registration and approval of private post-secondary institutions.

Referred to the Committee on Education.

Messrs. Chmielewski, Solon and Doty introduced—

S. F. No. 1433: A bill for an act relating to appropriations; appropriating funds for an emergency communications demonstration project.

Referred to the Committee on Transportation and General Legislation.

Messrs. Fitzsimons, Moe and Olson, A. G. introduced—

S. F. No. 1434: A bill for an act relating to counties; providing for formation of water and sewer districts; amending Minnesota Statutes 1974, Sections 116A.01, Subdivisions 1a and 4; 116A.02, Subdivision 3, and by adding a subdivision; 116A.12, Subdivision 8; 116A.20, Subdivisions 1, 2 and 5, and by adding a subdivision; and 116A.24, Subdivisions 1 and 2.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. McCutcheon, Chenoweth and North introduced—

S. F. No. 1435: A bill for an act relating to cities; providing that cities may create departments of health and appoint directors and health officers; amending Minnesota Statutes 1974, Section 145.01.

Referred to Committee on Health, Welfare and Corrections.

Messrs. Hughes, Sillers and Moe introduced—

S. F. No. 1436: A bill for an act relating to education; state

colleges; authorizing the state college board to enter into reciprocity agreements with foreign institutions; amending Minnesota Statutes 1974, Section 136.111, Subdivisions 1 and 2.

Referred to the Committee on Education.

Messrs. Hansen, Baldy; Olson, J. L. and Laufenburger introduced—

S. F. No. 1437: A bill for an act creating a legislative commission to study the Minnesota usury law; appropriating money therefor.

Referred to the Committee on Labor and Commerce.

Mr. Wegener introduced—

S. F. No. 1438: A bill for an act relating to agriculture; potato grading; application; repealing Minnesota Statutes 1974, Section 30.101.

Referred to the Committee on Natural Resources and Agriculture.

Mr. Wegener introduced—

S. F. No. 1439: A bill for an act relating to agriculture; dividing the state into two regions for purposes of the potato industry promotion act; reducing the number of regions; amending Minnesota Statutes 1974, Section 30.464, Subdivision 1.

Referred to the Committee on Natural Resources and Agriculture.

Mr. Laufenburger introduced—

S. F. No. 1440: A bill for an act relating to municipalities; local improvements; removing requirement that deferred assessment be recorded with the register of deeds; amending Minnesota Statutes 1974, Section 435.194.

Referred to the Committee on Taxes and Tax Laws.

Mr. Laufenburger introduced—

S. F. No. 1441: A bill for an act relating to real estate; changing recording functions of the register of deeds; amending Minnesota Statutes 1974, Section 386.19.

Referred to the Committee on Judiciary.

Mr. Laufenburger introduced—

S. F. No. 1442: A bill for an act relating to real estate; changing certain procedure involving mortgage discharges and release

of attachment; amending Minnesota Statutes 1974, Sections 507.40 and 570.11.

Referred to the Committee on Judiciary.

Mr. Laufenburger introduced—

S. F. No. 1443: A bill for an act relating to real estate; liens; eliminating the required margin notation by register of deeds; amending Minnesota Statutes 1974, Section 514.12, Subdivision 3.

Referred to the Committee on Judiciary.

Mr. Chenoweth introduced—

S. F. No. 1444: A bill for an act relating to metropolitan government; prohibiting membership in more than one commission.

Referred to the Committee on Metropolitan and Urban Affairs.

Mr. Perpich, G. introduced—

S. F. No. 1445: A bill for an act relating to the city of Buhl; police retirement and survivor benefits.

Referred to the Committee on Governmental Operations.

Mr. Frederick, Mrs. Brataas and Mr. Laufenburger introduced—

S. F. No. 1446: A bill for an act relating to Dodge and Olmsted counties; authorizing a judge of the county court district of Dodge-Olmsted to take a leave of absence for purposes of study and research.

Referred to the Committee on Judiciary.

Messrs. Hughes, Dunn and Schmitz introduced—

S. F. No. 1447: A bill for an act relating to municipal development districts; clarifying certain provisions; including industrial parks within development districts; providing for the publication of notice; eliminating the requirement that all tax increments be pledged to the issuance of bonds; amending Minnesota Statutes 1974, Sections 472A.01; 472A.02, Subdivision 3, and by adding a subdivision; 472A.03; 472A.04; 472A.06; 472A.07, Subdivisions 2 and 3; 472A.08; and 472A.09.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Moe, Olson, J. L. and Keefe, S. introduced—

S. F. No. 1448: A bill for an act relating to public welfare; authorizing the commissioner of administration to make grants for

local match increases to fund costs for Minnesota community action agencies of new and innovative programs; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mrs. Brataas and Messrs. Hughes and Frederick introduced—

S. F. No. 1449: A bill for an act proposing an amendment to the Minnesota Constitution by adding an article providing for initiative and referendum.

Referred to the Committee on Judiciary.

Mr. Laufenburger introduced—

S. F. No. 1450: A bill for an act relating to crimes; permitting a person convicted of a misdemeanor to request a court to set aside his conviction when one year has lapsed since he has served his sentence; amending Minnesota Statutes 1974, Section 609.166.

Referred to the Committee on Judiciary.

Mr. Fitzsimons introduced—

S. F. No. 1451: A bill for an act relating to the counties of Pennington and Marshall and their respective interests in a certain nursing home; repealing Laws 1965, Chapter 406.

Referred to the Committee on Local Government.

Messrs. Chmielewski, Solon and Doty introduced—

S. F. No. 1452: A bill for an act relating to public safety; authorizing a study of fire department broadcasting needs and an emergency communications demonstration project; appropriating money.

Referred to the Committee on Transportation and General Legislation.

Messrs. Dunn, Borden and O'Neill introduced—

S. F. No. 1453: A bill for an act relating to real estate; providing for deed tax to be apportioned between the state general fund and county revenue fund; amending Minnesota Statutes 1974, Sections 287.21, Subdivision 2; and 287.29, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Dunn; Olson, A. G. and Larson introduced—

S. F. No. 1454: A bill for an act relating to real estate; providing for county treasurer to certify taxes prior to certification by county

auditor; amending Minnesota Statutes 1974, Chapter 272, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Dunn; Olson, A. G. and Larson introduced—

S. F. No. 1455: A bill for an act relating to counties; eliminating minimum salaries for certain county officers; amending Minnesota Statutes 1974, Sections 273.061, Subdivision 6; 384.151, Subdivisions 1 and 3; 385.373, Subdivisions 1 and 3; 386.015, Subdivisions 1, 2, and 4; 387.20, Subdivisions 1, 2, and 4; 388.18, Subdivisions 1, 2, and 4.

Referred to the Committee on Local Government.

Mr. Wegener introduced—

S. F. No. 1456: A bill for an act relating to soil and water conservation; providing for the operation of the soil and water conservation commission; amending Minnesota Statutes 1974, Sections 40.03, Subdivisions 1 and 4; and 40.06, Subdivision 2.

Referred to the Committee on Natural Resources and Agriculture.

Mr. Hansen, Baldy introduced—

S. F. No. 1457: A bill for an act relating to the city of Mapleview; authorizing the city of Mapleview to borrow \$15,000.

Referred to the Committee on Local Government.

Messrs. Wegener; Hanson, R. and Conzemius introduced—

S. F. No. 1458: A bill for an act relating to agriculture; dairy promotion act; eliminating the bloc voting provision for referendums on final promotion orders; amending Minnesota Statutes 1974, Section 32B.04, Subdivision 4.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Stumpf, Coleman and McCutcheon introduced—

S. F. No. 1459: A bill for an act relating to the city of Saint Paul; providing for and authorizing said city to issue its general obligation bonds for housing and rehabilitation loan and grant programs; amending Laws 1974, Chapter 351, Section 4.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. North, Chenoweth and McCutcheon introduced—

S. F. No. 1460: A bill for an act relating to the city of St. Paul; authorizing planting, care, maintenance, spraying, trimming, pro-

tection, replanting, and removal of trees in the city of St. Paul; providing for a special tax levy exempt from all limitations of municipal tax levies.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. McCutcheon, Coleman and North introduced—

S. F. No. 1461: A bill for an act relating to the city of Saint Paul; establishing the city's tax levy limits as that levy limit established by general and special state law; repealing Laws 1971, Chapter 762.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. O'Neill, North and Stumpf introduced—

S. F. No. 1462: A bill for an act relating to the city of St. Paul; providing for the abolition of the power of the city to levy and raise taxes for the payment of severance pay obligations of the board of education of said city; amending certain provisions pertaining to the method of computing severance pay for city of St. Paul employees; increasing the mill rate levy for payment of severance pay obligations of the city; providing for death benefits to be paid to surviving spouse of city employee; amending Laws 1959, Chapter 690, Sections 2, as amended, and 3, as amended, and by adding a section; repealing Laws 1967, Chapter 529.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Chenoweth, O'Neill and North introduced—

S. F. No. 1463: A bill for an act relating to the city of St. Paul; providing for and authorizing issuance of general obligation bonds for capital improvement budget purposes; amending Laws 1971, Chapter 773, Section 1, as amended, and Section 3.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Hughes, Sillers and Humphrey introduced—

S. F. No. 1464: A bill for an act relating to retirement; permitting early retirement of certain teachers and authorizing contracts for part-time services.

Referred to the Committee on Education.

Messrs. Olson, A. G.; Conzemius and Ashbach introduced—

S. F. No. 1465: A bill for an act relating to the Minnesota Statutes; providing for publication thereof; amending Minnesota Statutes 1974, Sections 648.31, Subdivisions 1 and 3; and 648.45, Subdivision 4.

Referred to the Committee on Judiciary.

Mr. Arnold introduced—

S. F. No. 1466: A bill for an act relating to intoxicating liquor; removing the general limitation on the number of county on-sale licenses; amending Minnesota Statutes 1974, Section 340.11, Subdivision 10.

Referred to the Committee on Labor and Commerce.

Messrs. Dunn, Moe and Renneke introduced—

S. F. No. 1467: A bill for an act relating to the annexation and detachment of property from municipalities; the consolidation of municipalities; and the power and duties of the Minnesota municipal commission; validating orders of the Minnesota municipal commission adopted pursuant to joint resolution.

Referred to the Committee on Governmental Operations.

Messrs. Hansen, Mel and Brown introduced—

S. F. No. 1468: A bill for an act relating to conduct of public officers, including campaigns for offices in cities of the first class and counties containing cities of the first class; providing penalties; amending Minnesota Statutes 1974, Sections 210.20; 211.06; and 211.20, Subdivision 3.

Referred to the Committee on Transportation and General Legislation.

Messrs. Hansen, Mel and Brown introduced—

S. F. No. 1469: A bill for an act relating to elections; nominations at primary elections; eliminating filing by petition; requiring rotation of names; amending Minnesota Statutes 1974, Sections 202.08, Subdivision 3; 202.15; 203.34, Subdivision 1; and 203.37; repealing Minnesota Statutes 1974, Sections 202.03, Subdivision 4; 202.08, Subdivision 4; 202.09 to 202.13; 202.14, Subdivision 4; 202.16; 203.33, Subdivisions 2 and 3; and 203.48.

Referred to the Committee on Transportation and General Legislation.

Messrs. Spear and Keefe, S. introduced—

S. F. No. 1470: A bill for an act relating to drivers licenses; authorizing the issuance of nonqualification certificates to persons under the age of sixteen years; amending Minnesota Statutes 1974, Section 171.07, Subdivision 3.

Referred to the Committee on Transportation and General Legislation.

Messrs. Anderson, Sillers and McCutcheon introduced—

S. F. No. 1471: A bill for an act relating to taxation; increasing

market value of homestead eligible for lower rate of assessment; amending Minnesota Statutes 1974, Section 273.13, Subdivisions 6 and 7; and Chapter 273 by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Anderson, Sillers and Humphrey introduced—

S. F. No. 1472: A bill for an act relating to education; school districts; powers and duties; requiring a public hearing before closing a schoolhouse; amending Minnesota Statutes 1974, Section 123.36, by adding a subdivision.

Referred to the Committee on Education.

Mr. Perpich, A. J. introduced—

S. F. No. 1473: A bill for an act relating to education; appropriating money to the department of administration for the construction of the fine arts portion of the Vermilion range cultural center in Ely.

Referred to the Committee on Education.

Mr. Perpich, A. J. introduced—

S. F. No. 1474: A bill for an act relating to appropriations; appropriating money to the department of education for the operation of the environmental learning center at Isabella.

Referred to the Committee on Education.

Messrs. Olson, H. D.; Fitzsimons and Milton introduced—

S. F. No. 1475: A bill for an act relating to the soil and water conservation commission; providing for the membership of the commission; amending Minnesota Statutes 1974, Section 40.03, Subdivision 1.

Referred to the Committee on Governmental Operations.

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. 264, 669 and 702.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 7, 1975

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 8 and 371.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 9, 1975

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

H. F. No. 84: A bill for an act relating to public employment; providing for the exercise of veteran's preference in public appointments or promotions; restricting discretion in the selection of state civil service employees; amending Minnesota Statutes 1974, Sections 43.18; 43.30; 44.14; 197.46; 197.481, Subdivision 1; and Chapter 197, by adding a section; repealing Minnesota Statutes 1974, Section 197.45.

H. F. No. 84 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 7, 1975

CONFERENCE COMMITTEE REPORT ON H. F. NO. 84

A bill for an act relating to public employment; providing for the exercise of veteran's preference in public appointments or promotions; restricting discretion in the selection of state civil service employees; amending Minnesota Statutes 1974, Sections 43.18; 43.30; 44.14; 197.46; 197.481, Subdivision 1; and Chapter 197, by adding a section; repealing Minnesota Statutes 1974, Section 197.45.

April 2, 1975

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

The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 84, 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. 84 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 43.18, is amended to read:

43.18 [VACANCIES.] Subdivision 1. [NOTICE.] Appointing officers shall give written notice to the commissioner of personnel of their intention to establish new positions and of the existence of any vacancy to be filled in any office or employment in the classified service, and, within a reasonable time after the receipt of this notice, the commissioner shall certify, from the list of

eligibles, appropriate for the grade and class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating, except as provided in section 43.23. In the case of an eligible list for initial entry into the state service, the commissioner, however, shall certify the first ten names on such list in the manner as provided in this section.

Subd. 2. [PROMOTIONS.] In the case of positions to be filled by examinations other than open competitive examinations, the commissioner shall certify, from the list of eligibles, appropriate for the grade and class in which the position is classified, the first three names on such list together with any additional names of persons having an examination rating within three points of the person on the list with the highest examination rating, except as provided in sections 43.23 and 43.19, subdivision 1

Subd. 3. [ORIGINAL ENTRY.] In the case of positions to be filled by open competitive examination, the commissioner shall certify the first ten names on the list. Appointments from the list shall only be made from the first ten available eligibles. The commissioner shall promulgate rules so that a determination of unavailability by an appointing authority will be based on a statement of unavailability from the eligible or lack of response by the eligible to notification by certified mail of the open position. Before requesting a recertification based on unavailability or rejection of an eligible, the appointing authority shall demonstrate the unavailability of an eligible or shall provide reasons for requesting the removal of an eligible's name from the certification.

Subd. 2 4. [APPOINTMENT; PROBATION.] The appointing officer shall appoint on probation, with sole reference to merit and fitness, one of the said candidates, whose name is certified in the manner above set forth, to fill such vacancy, except as provided in section 43.23. The provisions of this section shall not apply when the office or employment is among those listed in section 43.20, for which competitive examinations are not required.

Sec. 2. Minnesota Statutes 1974, Section 43.30, is amended to read:

43.30 [VETERANS PREFERENCE.] Notwithstanding sections 107.45 to 107.48, The provisions of this section shall govern the granting of veterans' preference for the state civil service.

~~In all examinations under this chapter A veterans' preference shall be given available pursuant to this section to every person who has been honorable discharged or separated under honorable conditions from any branch of the armed forces of the United States (1) ; (a) after having served on active duty for other than training purposes 181 consecutive days or (2) (b) by reason of disability incurred while serving on active duty, and who is a citizen of the United States ; and persons who served in the active military service of any government allied with the United States in World War I or World War II, and have been honorably discharged therefrom; and who are citizens of the United States and~~

were citizens at the time of entrance into active service . And the A veteran thus preferred shall not be disqualified from holding any position in the classified service on account of his age or by reason of any physical disability provided such age or physical disability does not render him incompetent to perform the duties of the position.

Recognizing that training and experience in the services of the government and loyalty and sacrifice for the government are qualifications of merit which cannot be readily discovered by examination; there shall be added to the examination rating of a disabled veteran , if he so elects, a credit of ten points ; and in open competitive examination only if such augmented rating gives to such disabled if the veteran obtained a passing grade without the addition of the credit points; and such if the disabled veteran is able to perform the duties of the position sought with reasonable efficiency, his name shall be placed at the head of the eligible list for such position on the list of eligibles with the names of other eligible persons. The name of a veteran with such augmented rating shall be entered ahead of a nonveteran when their ratings are the same .

There shall be added to the examination rating of all other veterans a nondisabled veteran, if he so elects, a credit of five points ; and if such augmented rating gives to such if the veteran obtained a passing grade and if such veteran is able to perform the duties of the position with reasonable efficiency, his name shall be placed on the list of eligibles with the names of other eligible persons without the addition of the credit points. The name of a veteran with such augmented rating shall be entered ahead of a non-veteran when their ratings are the same.

A governmental agency, when notifying an applicant that he has passed an examination, shall notify the veteran of his specific score and shall also notify the applicant that he may elect to use a veteran's preference to augment his passing rating.

A veteran's preference under this section may only be used in the state civil service and political subdivisions of the state in the securing of positions to be filled by open competitive examinations and may not be used for the filling of promotional positions. An open competitive examination is an examination open to current employees and nonemployees of the state or political subdivision. A veteran's preference under this section may not be used by any veteran who is receiving or who is eligible to receive a monthly veteran's pension benefit based exclusively on length of military service.

Notwithstanding the foregoing restrictions on use, in any governmental agency giving an examination, where an applicant for a promotional position is a disabled veteran who has passed the promotional examination for his first promotion after entering that position, he may elect to have a credit of five points added to that examination rating. The decision to make such election may be made either before or after the examination. This promotional preference may only be successfully used one time and only in the

securing of the first promotional position after securing public employment.

Such A preference given by this section is hereby extended to the widewss surviving spouses of deceased veterans and to the spouse of a disabled veteran, who because of such the disability is unable to qualify.

The fact that an applicant has claimed a veterans preference shall not be made known to the examiners and . The preference credit shall be added to the examination rating by the commissioner , and the records shall show the examination rating and the preference credit.

A disabled veteran is one who is rated or certified has a compensable service connected disability as disabled adjudicated by the United States Veterans Administration, or by the retirement boards of the several branches of the armed forces, and which disability is existing at the time preference is claimed. For purposes of the preference to be used by a disabled veteran in securing a promotional position, the term "disabled veteran" means a person who, at the time of election to use his promotional preference, is entitled to disability compensation under laws administered by the Veterans Administration for a permanent service connected disability rated at 50 percent or more.

In the event of the rejection by the appointing officer of the person so preferred when certified for promotion or to fill a vacancy or a new position, the appointing officer shall forthwith file in writing with the commissioner the reasons for such rejection and shall furnish to the rejected veteran a copy thereof.

Sec. 3. Minnesota Statutes 1974, Section 44.14, is amended to read:

44.14 [VETERANS PREFERENCE.] This chapter does not exclude or modify the application of sections 197.45 and section 197.46 ; known as the veterans preference law and section 4 of this act .

Sec. 4. Minnesota Statutes 1974, Chapter 197, is amended by adding a section to read:

[197.455] [STATE LAW APPLICABLE.] The provisions of Minnesota Statutes, Section 43.30 granting preference to veterans in the state civil service shall also govern preference of a veteran under the civil service laws, charter provisions, ordinances, rules or regulations of a county, city, town, school district, or other municipality or political subdivision of this state, except that a notice of rejection stating the reasons for rejection of a qualified veteran shall be filed with the appropriate local personnel officer. Any provision in a law, charter, ordinance, rule or regulation contrary to the applicable provisions of section 43.30 is void to the extent of such inconsistency. Sections 197.46 to 197.48 shall not apply to state civil service.

Sec. 5. Minnesota Statutes 1974, Section 197.46, is amended to read:

197.46 [VETERANS PREFERENCE ACT; REMOVAL FORBIDDEN; RIGHT OF MANDAMUS.] Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the several counties, cities, towns, school districts and all other political subdivisions or agencies thereof in the state, who is an honorably discharged a veteran separated from the military service under honorable conditions, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, in writing.

Any veteran who has been notified of the intent to discharge him from an appointed position or employment pursuant to this section shall be notified in writing of such intent to discharge and of his right to request a hearing within 60 days of receipt of the notice of intent to discharge. The failure of a veteran to request a hearing within the provided 60-day period shall constitute a waiver of his right to a hearing. Such failure shall also waive all other available legal remedies for reinstatement.

Request for a hearing concerning such a discharge shall be made in writing and submitted by mail or personal service to the employment office of the concerned employer or other appropriate office or person.

In all governmental subdivisions having an established civil service board or commission, or merit system authority, such hearing for removal or discharge shall be held before such civil service board or commission or merit system authority. Where no such civil service board or commission or merit system authority exists, such hearing shall be held by a board of three persons appointed as follows: one by the governmental subdivision, one by the veteran, and the third by the two so selected. In the event the two persons so selected do not appoint the third person within ten days after the appointment of the last of the two, then the judge of the district court of the county wherein the proceeding is pending, or if there be more than one judge in said county then any judge in chambers, shall have jurisdiction to appoint, and upon application of either or both of the two so selected shall appoint, the third person to the board and the person so appointed by the judge with the two first selected shall constitute the board. The veteran may appeal from the decision of the board upon the charges to the district court by causing written notice of appeal, stating the grounds thereof, to be served upon the governmental subdivision or officer making the charges within 15 days after notice of the decision and by filing the original notice of appeal with proof of service thereof in the office of the clerk of the district court within ten days after service thereof. Nothing in sections 197.45 and section 197.46 or section 4 of this act shall be construed to apply to the position of private secretary, teacher, superintendent of schools, or one chief deputy of any elected official or head of a department, or to any person holding a strictly confidential relation to the appointing officer. The burden of establishing such

relationship shall be upon the appointing officer in all proceedings and actions relating thereto.

All officers, boards, commissions, and employees shall conform to, comply with, and aid in all proper ways in carrying into effect the provisions of ~~sections 197.45 and section 197.46 and section 4 of this act notwithstanding any laws, charter provisions, ordinances or rules to the contrary~~. Any wilful violation of such sections by officers, officials, or employees is a misdemeanor.

Sec. 6. Minnesota Statutes 1974, Section 197.481, Subdivision 1, is amended to read:

197.481 [ENFORCEMENT.] Subdivision 1. [PETITION.] A veteran who has been denied rights by the state or any political subdivision, municipality, or other public agency of the state under ~~sections 43.30, 197.45, 197.46, 197.47, and 197.48 or section 4 of this act~~ may petition the commissioner of veterans affairs for an order directing the agency to grant the veteran such relief the commissioner finds justified by said statutes.

The petition shall contain:

(1) The name, address and acknowledged signature of the veteran.

(2) The names and addresses of all agencies and persons that will be directly affected if the petition is granted.

(3) A concise statement of the facts giving rise to the veteran's rights and a concise statement showing the manner in which rights were denied.

(4) A statement of the relief requested.

Sec. 7. *Minnesota Statutes 1974, Sections 197.45 and 197.47, are repealed.*

Sec. 8. *This act is effective the day following its final enactment.*"

Further, amend the title as follows:

Page 1, line 9, delete "Section" and insert "Sections"

Page 1, line 9, after "197.45" insert "and 197.47"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Linda L. Berglin, Al Patton, William H. Schreiber, John D. Tomlinson, John T. Clawson.

Senate Conferees: (Signed) William McCutcheon, David D. Schaaf, Nicholas D. Coleman, Rolf Nelson, J. Robert Stassen.

Mr. McCutcheon moved that the foregoing recommendations and Conference Committee Report on H. F. No. 84 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. 84: A bill for an act relating to public employment;

providing for the exercise of veteran's preference in public appointments or promotions; restricting discretion in the selection of state civil service employees; amending Minnesota Statutes 1974, Sections 43.18; 43.30; 44.14; 197.46; 197.481, Subdivision 1; and Chapter 197, by adding a section; repealing Minnesota Statutes 1974, Sections 197.45 and 197.47.

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 44 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Kleinbaum	North	Schmitz
Arnold	Hansen, Baldy	Knutson	Ogdahl	Solon
Bang	Hansen, Mel	Kowalczyk	Olhoff	Spear
Brataas	Hanson, R.	Laufenburger	Olson, A. G.	Stassen
Coleman	Hughes	Lewis	O'Neill	Stokowski
Conzemius	Humphrey	McCutcheon	Perpich, A. J.	Stumpf
Davies	Keefe, J.	Milton	Perpich, G.	Tennessen
Doty	Keefe, S.	Moe	Pillsbury	Wegener
Dunn	Kirchner	Nelson	Purfeerst	

Those who voted in the negative were:

Berg	Fitzsimons	Josefson	Olson, J. L.	Schrom
Bernhagen	Frederick	Larson	Patton	Ueland
Chmielewski	Jensen	Olson, H. D.	Renneke	Willet

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. 194: A bill for an act relating to natural resources; authorizing the commissioner of natural resources to acquire land along canoe and boating routes; amending Minnesota Statutes 1974, Section 85.32, Subdivisions 2 and 3.

Senate File No. 194 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 9, 1975

Mr. Coleman moved that S. F. No. 194 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 46, 47, 155, 207, 936, 254, 416, 519, 530, 580, 588, 590, 643, 771, 774, 562, 779, 939, 944 and 1008.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 7, 1975

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 127, 146, 177, 232, 986, 66, 308, 523, 532, 597, 73, 80, 319, 346, 511, 69, 176, 209, 264, 618 and 980.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 9, 1975

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 46: A bill for an act relating to the firemen's relief association of the city of Tyler; computation of years of service for volunteer firemen.

Referred to the Committee on Governmental Operations.

H. F. No. 47: A bill for an act relating to the city of Mound; firemen's service pensions; amending Laws 1973, Chapter 175, Section 1.

Referred to the Committee on Governmental Operations.

H. F. No. 155: A bill for an act relating to the city of Minnetonka; volunteer firemen's pensions.

Referred to the Committee on Governmental Operations.

H. F. No. 207: A bill for an act relating to the city of St. Cloud; payment of retirement benefits in certain instance by firemen's relief association.

Referred to the Committee on Governmental Operations.

H. F. No. 936: A bill for an act directing the revisor of statutes to change certain terminology in Minnesota Statutes.

Referred to the Committee on Judiciary.

H. F. No. 254: A bill for an act relating to the city of Roseville;

firemen's relief association service pensions; amending Laws 1973, Chapter 464, Section 2.

Referred to the Committee on Governmental Operations.

H. F. No. 416: A bill for an act relating to the city of Robbinsdale; firemen's service pensions; amending Laws 1969, Chapter 1105, Sections 1, 2, and 3.

Referred to the Committee on Governmental Operations.

H. F. No. 519: A bill for an act relating to the city of Edina; firemen's retirement, disability, and survivors benefits; amending Laws 1965, Chapter 592, Sections 1, Subdivision 1, as amended; and 3, and 4, as added.

Referred to the Committee on Governmental Operations.

H. F. No. 530: A bill for an act relating to retirement; redefining membership and allowing the purchase of prior service credit by members of the Bloomington police relief association.

Referred to the Committee on Governmental Operations.

H. F. No. 580: A bill for an act relating to retirement; firemen's relief benefits in the city of Owatonna; amending Laws 1971, Chapter 200, Section 1, as amended.

Referred to the Committee on Governmental Operations.

H. F. No. 588: A bill for an act relating to the city of Butterfield firemen's relief association; authorizing payment of certain disability benefits to certain members.

Referred to the Committee on Governmental Operations.

H. F. No. 590: A bill for an act relating to retirement; police pensions in the city of Eveleth; amending Laws 1965, Chapter 636, as amended, by adding a section.

Referred to the Committee on Governmental Operations.

H. F. No. 643: A bill for an act relating to the city of Brooklyn Park; firemen's relief association benefits.

Referred to the Committee on Governmental Operations.

H. F. No. 771: A bill for an act relating to the city of Albert Lea; placing the chief of police under the public employees police and fire fund.

Referred to the Committee on Governmental Operations.

H. F. No. 774: A bill for an act relating to the city of Minneapolis; retirement for city officials and employees; retirement allowance, deferred compensation, combined service annuity, disability

allowances; amending Minnesota Statutes 1974, Sections 422A.16, Subdivision 8, and by adding a subdivision; 422A.18, Subdivision 3; and 422A.25; repealing Minnesota Statutes 1974, Section 422A.18, Subdivision 6.

Referred to the Committee on Governmental Operations.

H. F. No. 562: A bill for an act relating to school districts; lowering the age of retired employees for whom a school board may purchase medical insurance; amending Minnesota Statutes 1974, Section 123.72.

Referred to the Committee on Education.

H. F. No. 779: A bill for an act relating to retirement; including employees of the metropolitan inter-county council in membership in the public employees retirement association; amending Minnesota Statutes 1974, Chapter 353, by adding a section.

Referred to the Committee on Governmental Operations.

H. F. No. 939: A bill for an act relating to retirement; increasing firemen's service pensions payable to members of the Lake Johanna Volunteer Firemen's Benefit Association.

Referred to the Committee on Governmental Operations.

H. F. No. 944: A bill for an act relating to the city of Lakeville; authorizing an increase in firemen's relief association lump sum service pensions.

Referred to the Committee on Governmental Operations.

H. F. No. 1008: A bill for an act relating to retirement; investment and redemption of shares in the supplemental retirement fund by Hennepin county employees; amending Laws 1969, Chapter 950, Sections 3 and 4.

Referred to the Committee on Governmental Operations.

H. F. No. 127: A bill for an act relating to juries; affording witnesses at grand jury hearings the right to counsel.

Referred to the Committee on Rules and Administration.

H. F. No. 146: A bill for an act relating to commerce; requiring that tents and sleeping bags be flame resistant; providing a penalty.

Referred to the Committee on Labor and Commerce.

H. F. No. 177: A bill for an act relating to public health; prohibiting pay toilets and urinals in public places; providing a penalty; amending Minnesota Statutes 1974, Chapter 145, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 232: A bill for an act relating to commerce; removing certain responsibilities for bedding from the department of labor and industry; providing penalties for mislabeling of bedding; amending Minnesota Statutes 1974, Sections 325.30; 325.32; repealing Minnesota Statutes 1974, Sections 325.28; and 325.29.

Referred to the Committee on Labor and Commerce.

H. F. No. 986: A bill for an act relating to crime victims reparations; authorizing the crime victims reparations board to limit the fees charged by an attorney representing a claimant before the board; amending Minnesota Statutes 1974, Section 299B.03, Subdivision 1; and Chapter 299B, by adding a section.

Referred to the Committee on Judiciary.

H. F. No. 66: A bill for an act authorizing the Minnesota higher education facilities authority to construct and finance health care facilities; changing its name and increasing its membership; amending Minnesota Statutes 1974, Sections 136A.25; 136A.26; 136A.27; 136A.28; 136A.29, Subdivisions 1, 6, 9, 10, 14, 21, and 22; 136A.36; and 136A.41.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 308: A bill for an act relating to health; defining and authorizing regulation of mass gatherings by the state board of health; amending Minnesota Statutes 1974, Section 144.12.

Referred to the Committee on Rules and Administration.

H. F. No. 523: A bill for an act relating to public lands; authorizing the state and counties to exchange land; amending Minnesota Statutes 1974, Sections 373.01, Subdivision 1; 94.342, Subdivision 3; and 94.343, Subdivisions 1 and 3.

Referred to the Committee on Natural Resources and Agriculture.

H. F. No. 532: A bill for an act relating to public health; Minnesota board of nursing; nursing schools; providing for registering, licensing and disciplining registered and practical nurses; unauthorized practice of nursing; amending Minnesota Statutes 1974, Sections 148.181, Subdivisions 1 and 2; 148.191; 148.211, Subdivisions 1 and 3; 148.231, Subdivisions 1 and 2; 148.251; 148.261; 148.271; 148.281, Subdivision 1; 148.286, Subdivisions 1 and 3; 148.29, Subdivision 2; 148.291, Subdivisions 1 and 4; 148.292; 148.293, Subdivision 1; 148.294, Subdivisions 1 and 2; 148.296, Subdivision 1; 148.297; Chapter 148, by adding sections; repealing Minnesota Statutes 1974, Sections 148.282; and 148.291, Subdivision 5.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 597: A bill for an act relating to the Minnesota society for the prevention of cruelty; eliminating jurisdiction of

society over matters of cruelty to children; amending Minnesota Statutes 1974, Sections 343.01, Subdivision 1; 343.04; 343.05; 343.06; 343.07; 343.08; 343.10; 343.11; and 343.12.

Referred to the Committee on Governmental Operations.

H. F. No. 73: A bill for an act relating to elections; prohibiting and regulating certain activities on the day of an election; amending Minnesota Statutes 1974, Section 204.15.

Referred to the Committee on Rules and Administration.

H. F. No. 80: A bill for an act relating to education; authorizing certain governing student associations of institutions of higher learning to expend money for the purpose of funding a legal counseling and services program.

Referred to the Committee on Rules and Administration.

H. F. No. 319: A bill for an act relating to health; providing for location and zoning regulation of residences for mentally retarded and physically handicapped persons; amending Minnesota Statutes 1974, Sections 252.28, by adding a subdivision; and 462.357, by adding subdivisions.

Referred to the Committee on Rules and Administration.

H. F. No. 346: A bill for an act relating to insurance; providing for the establishment and operation of a Minnesota life and health insurance guaranty association to protect policyowners, insureds, beneficiaries, and others against the failure of an insurer doing business in Minnesota to perform its contractual obligations; amending Minnesota Statutes 1974, Sections 60B.17, by adding a subdivision; 60B.25; 60B.30, by adding a subdivision; and 60B.46, Subdivision 1.

Referred to the Committee on Rules and Administration.

H. F. No. 511: A bill for an act relating to commerce; interest rates on money; continuing the exemption of certain loans from maximum interest rates; amending Minnesota Statutes 1974, Section 334.01, Subdivision 2; repealing Laws 1974, Chapter 238, Section 2.

Referred to the Committee on Labor and Commerce.

H. F. No. 69: A bill for an act relating to athletics; providing for equal opportunity for members of both sexes to participate in athletics; amending Minnesota Statutes 1974, Chapter 126, by adding a section; repealing Laws 1974, Chapter 355, Section 68, Subdivision 4.

Referred to the Committee on Judiciary.

H. F. No. 176: A bill for an act relating to intoxicating liquor; issuance of licenses by cities; amending Minnesota Statutes 1974,

Sections 340.11, Subdivisions 7a and 18; and by adding a subdivision; 340.13, Subdivision 4; and 340.353, Subdivision 5; repealing Minnesota Statutes 1974, Section 340.11, Subdivisions 6 and 7.

Referred to the Committee on Rules and Administration.

H. F. No. 209: A bill for an act relating to adoptions; annulment of decree after discovery of defect; repealing Minnesota Statutes 1974, Section 259.30.

Referred to the Committee on Judiciary.

H. F. No. 264: A bill for an act relating to regional development commissioners; authorizing per diem compensation for members; amending Minnesota Statutes 1974, Section 462.388, Subdivision 5.

Referred to the Committee on Rules and Administration.

H. F. No. 618: A bill for an act relating to securities; providing for the inclusion of commodity contracts in the definition of a security; providing an exemption from registration requirements for commodity contracts; amending Minnesota Statutes 1974, Sections 80A.14 and 80A.15, Subdivision 1.

Referred to the Committee on Labor and Commerce.

H. F. No. 980: A bill for an act relating to taxation; providing for taxation of certain types of air commerce; amending Minnesota Statutes 1974, Sections 270.071, Subdivision 6; and 270.072, Subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

S. F. No. 46: A bill for an act relating to courts; jurisdictional amount in conciliation court actions; amending Minnesota Statutes 1974, Sections 487.30; 491.03, Subdivision 4; and 491.04, Subdivision 1.

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

Page 3, strike lines 4 and 5

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

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

H. F. No. 87: A bill for an act relating to highway traffic regulations; evidence of speed of a motor vehicle through radar or other speedalyzer devices; standards required for admission as evidence; amending Minnesota Statutes 1974, Section 169.14, by adding a subdivision.

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

Page 1, line 21, after "*an*" insert "*accurate and reliable*"

Page 1, line 21, insert a comma after "*mechanism*"

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

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

S. F. No. 677: A bill for an act relating to small business; authorizing the commissioners of administration and economic development to set aside certain state procurement from normal bidding procedures, for the exclusive use of small business concerns owned and operated by the socially and economically disadvantaged.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Governmental Operations. Report adopted.

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

H. F. No. 923: A bill for an act relating to energy; postponing the deadline for promulgation of energy conserving building design and construction standards by the commissioner of administration; amending Minnesota Statutes 1974, Section 116H.12, Subdivision 4.

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

Page 1, line 16, strike "*July*" and insert "*August*"

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

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

S. F. No. 1141: A bill for an act relating to bicentennial projects; authorizing governmental units to furnish services, property and money in connection with bicentennial projects; validating prior expenditures.

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

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

H. F. No. 249: A bill for an act relating to eminent domain; appraisal fees in acquisition by direct purchase; filing of final certificate; amending Minnesota Statutes 1974, Sections 117.205; and 117.232, Subdivision 1.

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

Page 1, strike all of section 1

Page 1, line 23, after "*entitled to*" insert "*reimbursement for*"

Page 2, after line 6, insert:

"The provisions of this section shall not apply to acquisitions for utility purposes made by public service corporations and electric cooperative associations."

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 3 and 4, strike "filing of final certificate;"

Page 1, line 5, strike "Sections 117.205; and" and insert "Section"

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

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

S. F. No. 782: A bill for an act relating to courts; providing compensation and mileage allowance for jurors; amending Minnesota Statutes 1974, Section 357.26, Subdivision 1.

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

Page 1, line 9, strike "\$18" and insert "\$15"

Page 1, strike lines 11 and 12

Page 1, line 13, strike "attendance,"

Page 1, line 14, strike "the" and insert "a"

Page 1, line 14, strike "15" and insert "*not less than 13*"

Page 1, line 14, after "cents" insert "*and not to exceed the maximum rate provided in section 43.328*"

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

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

S. F. No. 662: A bill for an act relating to domestic relations; contracts and conveyances between husband and wife; amending Minnesota Statutes 1974, Sections 500.19, by adding a subdivision; and 519.06.

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

Page 1, line 10, strike *"Either husband or wife may create a joint tenancy"*

Page 1, strike lines 11 and 12, and insert *"Any spouse who is a sole owner of real property may create a joint tenancy in that property with the other spouse by conveying the property to"*

Page 1, lines 21 through 23, reinstate the stricken language

Page 2, lines 1 through 5, reinstate the stricken language

Page 2, line 5, after the reinstated word "other" insert *", except as provided in section 1 of this act"*

Page 2, lines 5 through 8, strike the new language

Page 2, line 12, strike the new language

Page 2, strike lines 13 and 14

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

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

S. F. No. 307: A bill for an act relating to the practice of podiatry; allowing the board of podiatry examiners and registration to create certain registration standards by rule and regulation; amending Minnesota Statutes 1974, Section 153.04.

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

Page 1, line 17, strike "first grade"

Page 1, line 19, after "board" insert *"and"*

Page 1, line 20, strike "four years course of at least eight" and insert *"32"*

Page 1, line 21, strike "each" and insert *"of course work"*

Page 1, line 22, strike *"; and,"* and insert a period

Page 1, line 22, after *"qualified,"* insert *"the applicant shall be"*

Page 2, line 4, strike "such" and insert *"the"*

Page 2, line 5, strike *"at a meeting of the board called"* and insert a period

Page 2, line 6, strike *"for the examination of applicants, upon"*

Page 2, line 7, strike "such"

Page 2, line 7, strike “, but” and insert “*may be required. No more than*”

Page 2, line 8, strike “such”

Page 2, line 8, strike “exhaust his privilege” and insert “*be permitted*”

Page 2, line 8, strike “his” and insert “an”

Page 2, line 25, strike the period and insert “*on or before*”

Page 2, line 25, strike “*shall be the date*” and insert a period

Page 2, line 26, strike “*for renewal of registration and*”

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

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 906: A bill for an act relating to plats and surveys; filing and certification thereof; providing an increase in the filing fees charged by the register of deeds; amending Minnesota Statutes 1974, Section 505.08, Subdivision 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 1007: A bill for an act relating to public contracts; providing an exception to the prohibition against interest of public officers in certain governmental units; amending Minnesota Statutes 1974, Section 471.88, Subdivision 5.

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

Page 1, after line 18, insert:

“Sec. 2. *This act is effective on the day following final enactment.*”

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

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 1168: A bill for an act relating to certain political subdivisions; authorizing the governing bodies of cities and counties to advance expense money; amending Minnesota Statutes 1974, Section 471.96, Subdivision 1; and Chapter 471, by adding a section.

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

Page 2, after line 23, insert:

"Sec. 3. This act is effective on the day following final enactment."

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

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 888: A bill for an act relating to counties; publication of financial statements; extending the time for publication and removing the requirement to publish certain detailed accounts; amending Minnesota Statutes 1974, Section 375.17.

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

Page 1, lines 17 through 19, restore the stricken language.

Page 2, line 4, after the period, insert the following: *"The county board may also refrain from publishing an itemized account of amounts paid out, to whom and for what purpose to the extent that the published proceedings of the county board contain such information, provided that a schedule of major disbursements showing amounts paid out, to whom and for what purpose be made a part of, and published with, the financial statement as defined and prescribed by the state auditor."*

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

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 889: A bill for an act relating to real estate; removing specific charge for copies of instrument filed with registrar; amending Minnesota Statutes 1974, Section 508.38.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred the following appointment as reported in the Journal for March 6, 1975:

STATE BOARD OF ELECTRICITY

Darwin Draisey

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Hansen, Baldy moved that the foregoing committee report be laid on the table. The motion prevailed.

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

S. F. No. 1015: A bill for an act relating to commerce; providing qualifications for legal newspapers; amending Minnesota Statutes 1974, Section 331.02, Subdivision 1.

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

Page 2, line 20, strike "*three months*" and insert "*one year*"

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

Mr. Olson, A. G. from the Committee on Local Government, to which was referred

S. F. No. 903: A bill for an act relating to counties; providing for the filling of vacancies in the office of county commissioner; amending Minnesota Statutes 1974, Sections 375.03 and 375.10.

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

Page 2, strike lines 5 through 32 and insert:

"Sec. 2. Minnesota Statutes 1974, Chapter 375, is amended by adding a section to read:

[375.101] [VACANCY IN OFFICE OF COUNTY COMMISSIONER.] *Subdivision 1. A vacancy in the office of county commissioner shall be filled at a special election to be held not less than 30 nor more than 60 days after the vacancy occurs. The special primary or special election may be held on the same day as a regular primary or regular election, provided that the special election shall be held not less than 14 days after the special primary election. The person elected at the special election shall take office immediately after receipt of the certificate of election and upon filing the bond and oath of office and shall serve the remainder of the unexpired term. If the county has been reapportioned since the commencement of the term of the vacant office, the election shall be based on the district as reapportioned.*

Subd. 2. If the vacancy occurs less than 30 days before the general election preceding the end of the term, the vacancy shall be filled by the person elected at that election for the ensuing term who shall take office immediately after receiving the certificate of election and upon filing the bond and oath of office."

Page 3, strike lines 1 through 15

Page 3, line 16, strike "4" and insert "3"

Page 3, after line 18, insert:

"Sec. 3. [REPEAL.] *Minnesota Statutes 1974, Section 375.10, is repealed.*"

Renumber the sections in sequence

Page 3, line 25, after "*subdivision*" strike "3" and insert "1"

Amend the title as follows:

Page 1, line 4, strike "Sections" and insert "Chapter 375, by adding a section; Section"

Page 1, line 5, strike "and" and insert "; repealing Minnesota Statutes 1974, Section"

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

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

S. F. No. 1133: A bill for an act relating to commerce; requiring repair orders and invoices for repairs; regulating estimates; providing penalties.

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

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. "Repairs" means repairs, alterations, maintenance, and the installation of any item, where the total cost is more than \$25 and less than \$2,000. Repairs do not include health care services to persons or animals.

Subd. 2. "Shop" means individuals, corporations, partnerships, and any other form of business organization which derives income, in whole or part, by engaging in the repair business.

Subd. 3. "Estimate" means any offer by the shop, either written or verbal, to make agreed upon repairs for a stated price, provided that if the shop has given a customer a repair order, the agreed upon repairs consist of the work described on the repair order.

Subd. 4. "Binding estimate" means any estimate which has been agreed to by both the shop and the customer.

Subd. 5. "Customer" means a customer and the agents of a customer.

Sec. 2. [REPAIR ORDER; INVOICE.] Subdivision 1. Whenever a shop proposes to make repairs for a customer the shop shall furnish, prior to commencement of repairs, a copy of a written repair order to the customer describing the repairs to be made. The repair order shall be signed by the shop, and upon notification of his right to a repair order the customer may waive this right.

Subd. 2. The repair order may be specific or general. The shop may list on the repair order the specific parts and the specific labor that it will supply or the shop may describe on the repair order the general condition that it will repair.

(a) If the repair order lists specific parts and labor to be supplied, the shop is authorized to supply and charge only for those parts and labor listed in the repair order. The shop shall not be authorized and shall not charge for parts or labor not already listed on the repair order unless the customer authorizes the additional parts or labor not already listed on the repair order. The customer may authorize additional parts or labor orally or in writing.

(b) If the repair order describes the general condition that will be repaired, the shop shall be authorized to perform and charge for all parts and labor the shop deems necessary to repair the condition described on the repair order. The shop shall not be authorized and shall not charge for parts or labor supplied to repair any condition other than that described on the repair order unless the customer authorizes the additional repairs not already described on the repair order. The customer may authorize additional repairs orally or in writing.

Subd. 3. A shop is not required to give an estimate to any customer or prospective customer. Any shop that does not wish to give an estimate shall so inform the customer at the time an estimate is requested. If a repair order is furnished there shall be a conspicuous written statement on it stating whether an estimate has been given the customer and, if so, the amount of the estimate.

Subd. 4. A shop shall state on its repair order its charge to the customer, or the basis upon which it will be calculated, for an estimate, diagnostic service, work preliminary to a diagnosis, reassembly of the unrepaired item, service call, or release of the item in the event it is not repaired.

Subd. 5. Upon completion of all repairs, each shop shall provide each customer with a copy of a dated invoice for the work done. The information which is required to be on the invoice may be placed on the face of the repair order, which then may be used as an invoice. The invoice shall contain the following information except when a general work order has been provided pursuant to section 2, subdivision 2:

(a) A description of all service work done and parts supplied, including all warranty work;

(b) The estimated price, if any was given;

(c) A detailed itemization of the charges for parts, labor, incidentals, the making of an estimate, the release of the item, service call charge, and any other charges imposed upon the customer; and

(d) A statement specifying which parts, if any, are used, rebuilt, or reconditioned if that information is known by the shop.

Sec. 3. [COSTS AND ESTIMATES.] Subdivision 1. The repair order may be silent as to the price of repairs described on the repair order.

Subd. 2. The shop may add conditions to its estimate if those conditions are disclosed to the customer at the time the estimate is given and are in the same form as the estimate and if those conditions affect neither the amount of work authorized nor the cost of doing the agreed upon repairs.

Subd. 3. When a shop gives a customer an estimate and the customer accepts the estimate and any conditions imposed by the shop, the estimate shall be binding upon the parties, and the shop shall not charge more than the amount of the binding estimate for performing the agreed upon work.

Subd. 4. A shop shall inform the customer of the period of time for which an estimate is binding upon the shop. If no period of time is stated by the shop an estimate shall be presumed to be binding upon the shop for 21 days.

Subd. 5. A shop may make a reasonable charge for an estimate, diagnostic service, work preliminary to a diagnosis, reassembly of an unrepaired item, service call, or release of an item in the event it is not repaired. Such a charge, or the basis upon which it will be calculated, shall be disclosed to the customer prior to the performance of any act which would impose a charge upon the customer. The disclosure shall clearly state whether the charge is included in the shop's estimate and whether the charge will be credited toward the total cost of the repairs.

Subd. 6. Repairs which the shop estimated to cost less than \$25, yet exceed that amount, fall within the scope of sections 1 to 7.

Sec. 4. [SERVICE CALL CHARGES.] When a shop makes repairs to, or picks up or delivers an item at a place other than its own premises it shall inform the customer, at the time of the customer's inquiry for service, of any service call charge. The service call charge shall be stated in absolute terms, not on an hourly, mileage, or other basis. The service call charge may be imposed in addition to any other charges assessed the customer, but it shall be separately stated. If the customer is furnished a repair order or written estimate, the service call charge shall be indicated thereon.

Sec. 5. [REQUIRED SHOP PRACTICES.] Subdivision 1. At the time the customer authorizes the repairs he may request that replaced parts be returned to him. If such a request is made, the shop shall return the replaced parts to the customer, except for parts that the shop is required to return to the manufacturer or distributor under a warranty or exchange arrangement if the customer is shown the replaced parts. The customer shall remove the replaced parts from the shop premises within a reasonable time from the date the repaired item is returned to the customer.

Subd. 2. Every shop shall maintain repair records which shall include all repair orders, estimates, and invoices, and the names of all customers for whom repair services have been performed. These records shall be available for reasonable inspection and copying by law enforcement officials and shall be retained for at

least two years. A customer has the right to a copy of documents maintained by the shop reflecting any transaction to which he was a party.

Subd. 3. Each shop shall conspicuously display a sign that states the following:

"If a customer of this shop is given an estimate, the shop cannot lawfully charge a greater amount for performing the agreed upon work. Customers are entitled to see or accept return of replaced parts if a request is made at the time work is authorized."

Sec. 6. [PROHIBITED ACTS.] No shop shall:

- (a) Charge or recover for unauthorized repairs;
- (b) Charge or recover for an amount exceeding a binding estimate;
- (c) Fail to return to any customer, upon demand, the customer's goods because of the customer's nonpayment of the proportion of the bill which represents:
 - (1) Repairs which were performed but unauthorized, or
 - (2) Repair charges which exceed a binding estimate for such repairs;
- (d) Perform repair work without notifying the customer of his right to a repair order;
- (e) Fail to disclose to a customer its charge for an estimate, diagnostic service, work preliminary to a diagnosis, reassembly fee, service call charge or for the release of an item in the event it is not repaired;
- (f) Fail to comply with any conditions that the customer imposes on repair work, provided that the shop was informed of such conditions before commencement of the repairs.

Sec. 7. [REMEDIES; PENALTIES.] Subdivision 1. When a shop refuses return of a customer's goods, despite the customer's fulfillment of all conditions agreed upon with the shop as well as the customer's offer to pay either the amount of a binding estimate or the cost of authorized work, the customer, without making any additional payment, is entitled to the return of his goods or consequential damages, reasonable attorneys' fees as determined by the court, and punitive damages not to exceed three times the total charges for the repairs. Acceptance by the shop of the amount offered by the customer shall not be an admission that the amount offered is the true and correct amount owing and payable.

Subd. 2. When a shop refuses return of a customer's replaced parts despite a timely request, the shop shall be liable for the reasonable value of those parts.

Subd. 3. When a shop fails to disclose its charges for an estimate, diagnostic service, work preliminary to a diagnosis, reas-

sembly fee, service call, or release of an unrepaired item, there shall be a rebuttable presumption that the charge is for unauthorized work.

Subd. 4. Any violation of sections 1 to 7 shall be deemed a violation of section 325.79.

Subd. 5. The remedies of this section are to be construed as cumulative in addition to those provided by the common law and other statutes of this state.

Sec. 8. [PREEMPTION BY STATE.] The provisions of sections 1 to 7 shall supercede local ordinances regulating repairs to the extent that the ordinances are inconsistent with sections 1 to 7.

Sec. 9. [TITLE.] Sections 1 to 9 may be cited as the truth in repairs act.

Sec. 10. [EFFECTIVE DATE.] This act is effective on January 1, 1976."

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

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

S. F. No. 543: A bill for an act relating to public local grain warehouses; authorizing the public service commission to prescribe storage rates and other charges assessed by public local grain warehousemen; prescribing the form of storage receipts; amending Minnesota Statutes 1974, Sections 232.06, Subdivisions 1, 4 and 5; and 232.07.

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

Page 2, strike lines 8 and 9

Page 2, line 10, strike "and"

Page 2, line 10, after "storing" insert "*and redelivering*"

Page 2, strike lines 11 through 14

Page 2, line 15, strike "*Approved tariffs*"

Page 2, line 16, before the period insert "*and filed with the Minnesota public service commission*"

Page 3, line 5, strike "*approved by*" and insert "*filed with*"

Page 3, line 14, strike "stated lawful"

Page 5, after line 29, insert:

"Sec. 5. *This act shall expire on June 30, 1978.*

Sec. 6. *This act is effective on July 1, 1975.*"

Further amend the title as follows:

Strike line 3

Line 4, strike "prescribe" and insert "providing for the filing and posting of"

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

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

S. F. No. 917: A bill for an act relating to waters and watercraft safety; authorizing counties to expend moneys received from watercraft license fees for watercraft and swimming safety instructions; amending Minnesota Statutes 1974, Section 361.27, Subdivision 1.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1974, Section 361.09, Subdivision 2, is amended to read:

Subd. 2. No person shall be towed, or shall operate a watercraft towing a person on water skis, aqua-plane, surfboard, saucer or other device on any waters of this state at any time from one hour and a half after sunset to sunrise of the day following."

Renumber the sections in sequence

Amend the title as follows:

Line 2 after "safety;" insert "modifying the hours of operation of a watercraft towing a person;"

Line 6, strike "Section" and insert "Sections 361.09, Subdivision 2; and"

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

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was re-referred

H. F. No. 130: A bill for an act relating to the city of Minneapolis; authorizing the city council to grant certain powers and duties to the commission on human relations, director, and department of civil rights and to subject certain areas of city government to the civil rights ordinance; repealing Laws 1967, Chapter 743.

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

Page 1, line 11, before "The" insert "In addition to all other powers conferred by statute or charter,"

Page 1, line 18, after "board" insert a period and delete the remainder of lines 18 and 19

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

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 588: A bill for an act relating to the Rice creek watershed district; providing for the establishment of a district water maintenance and repair fund; authorizing a tax levy for water maintenance and repair purposes.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1102: A bill for an act relating to the Seaway Port Authority of Duluth; permitting the authority to buy, lease or otherwise contract for vessels.

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

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1029: A bill for an act relating to Hennepin county; hospital and medical care for poor persons funding; amending Laws 1963, Chapter 738, Section 3, Subdivision 3; repealing Laws 1963, Chapter 738, Section 6.

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

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 587: A bill for an act relating to the Rice creek watershed district; authorizing an ad valorem tax for certain purposes.

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

Page 1, line 16, strike "1971" and insert "1974"

And when so amended the bill do pass and be placed on the Calendar of Ordinary Matters. Amendments adopted. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 640: A bill for an act relating to the city of Minneapolis; authorizing housing finance program; providing for the issuance of limited general obligation bonds.

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

Page 3, line 11, after "program" insert "and to provide for the administrative costs of the program"

Page 3, line 24, strike "governing body" and insert "city council"

Page 3, line 28, after "Sec. 4." insert "Subdivision 1."

Page 4, after line 5, insert:

"Subd. 2. The city council shall not amend the regulations adopted by ordinance and in effect at the time any bonds or obligations authorized by this act are issued, to the detriment of the holder of such bonds or obligations."

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

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 1046: A bill for an act authorizing the city of Duluth to negotiate contracts for maintenance of city parks and public works under terms and conditions as will promote the employment of needy elderly citizens; limiting the amount of total annual compensation for individuals under such contracts.

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

Page 1, line 16, strike "for" and insert "in"

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

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

S. F. No. 804: A bill for an act relating to land use planning; establishing a land use planning assistance program of grants for local government units to be administered by the state planning agency; appropriating money.

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

Strike everything after the enacting clause and insert:

"Section 1. [GRANTS; LAND USE PLANNING.] Subdivision 1. In order to improve the land use decision-making capability of local government, the state planning agency shall make grants to the metropolitan council pursuant to section 5, and to towns, counties and municipalities. The state planning agency shall give priority when granting funds to those areas that show a special need according to the provisions of clauses (a) and (b). The grants may be used to employ staff or contract with other units of government or qualified consultants for the following purposes:

(a) To prepare and implement plans which are required for certain areas by law or by designation as a critical area under Minnesota Statutes, Chapter 116G.

(b) To prepare and implement plans which the unit of government is authorized by law to undertake for the management of problems resulting from (1) rapid population or economic growth or decline; (2) potential development in environmentally sensitive areas including but not limited to flood plains, wild and scenic rivers, and shorelands; and (3) the addition or elimination of a major state or federal facility;

(c) To assist neighborhood organizations in cities of the first class to do land use and related planning by making grants to the municipality;

(d) To analyze and prepare plans to preserve and protect agricultural land as defined in Minnesota Statutes 1974, Section 500.24.

Subd. 2. Grants shall not exceed 90 percent of the cost of the land use planning program, except that grants made within a designated critical area may be up to 100 percent of the cost of the planning program.

Subd. 3. For the purpose of this act municipality has the definition stated in Minnesota Statutes 1974, Section 462.352, Subdivision 2.

Sec. 2. [ADMINISTRATION.] The state planning agency shall determine priorities pursuant to section 1, and shall promulgate rules for the submittal and review of applications hereunder in accordance with the provisions of Minnesota Statutes, Chapter 15.

Sec. 3. [ELIGIBILITY.] Eligibility of grants is limited to units of government authorized by law to plan or adopt and enforce land use controls.

Sec. 4. [REGIONAL DEVELOPMENT COMMISSION REVIEW.] An application for grants from this program shall be submitted to the appropriate regional development commission for review pursuant to Minnesota Statutes 1974, Section 462.391, Subdivision 3, prior to the submittal to the state planning agency. The regional development commission shall complete its review within 45 days after receipt of the application. If an application is not reviewed within the requisite time limit or if an extension of time is not agreed to by the affected parties, the application shall be deemed approved. Until units of local government in the metropolitan area as defined by Minnesota Statutes, Section 473.02 are required by law to prepare and adopt comprehensive plans or portions thereof, the review required by this section shall be made by the metropolitan council for units of local government in the metropolitan area.

Sec. 5. [MANDATORY TRANSFER OF FUNDS.] If part or all of the units of government within the metropolitan area as defined by Minnesota Statutes, Section 473.02 are required by law to prepare and adopt comprehensive plans or specified por-

tions thereof, 50 percent of the funds appropriated for the purposes of section 1, clauses (b), (c) and (d), less the amount previously granted to units of government within the metropolitan area, shall be transferred to the metropolitan council on the effective date of such a law. Funds so transferred are reappropriated to the metropolitan council and shall be used for making grants to units of government within the metropolitan area for the preparation and adoption of comprehensive plans and controls required by law. Not more than five percent of the transferred funds shall be available to the metropolitan council for grant administration.

Sec. 6. [APPROPRIATION.] There is appropriated from the general fund \$2,500,000 to the state planning agency for the purposes of this act, of which \$300,000 shall be used for designated critical areas, and not more than five percent of which shall be available to the state planning agency for administering this act. Fifty percent of the money appropriated for purposes other than section 1, clause (a), shall be granted to local governments outside the metropolitan area as defined in Minnesota Statutes, Section 473.02. The appropriation shall not cancel, but shall be available until expended.

Sec. 7. [EFFECTIVE DATE.] This act shall be effective July 1, 1975."

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

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

S. F. No. 649: A bill for an act relating to agriculture; collective bargaining; agricultural marketing and bargaining associations; amending Minnesota Statutes 1974, Chapter 17, by adding a section; and Section 17.694, Subdivision 5, and by adding a subdivision.

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

Page 1, line 17, strike "*No party other than the*"

Page 1, strike line 18

Page 1, line 19, strike "*under this chapter.*"

Page 1, line 21, strike "*from*"

Page 1, line 22, after "*15.0424*" strike the comma and insert "*and*"

Page 1, line 23, strike "*and 15.0431*"

Pages 2 and 3, strike section 3 and insert:

"Sec. 3. Minnesota Statutes 1974, Section 17.697, Subdivision 1, is amended to read:

17.697 [BARGAINING DEFINED; NOTICE OF COMMENCEMENT OF NEGOTIATIONS; MEDIATION PROCEDURE.] Subdivision 1. As used in sections 17.691 to 17.701, "bargaining" means the mutual obligation of a handler and an association or their designated representatives to meet at reasonable times and confer and negotiate in good faith. Negotiations may include all terms relative to trading between handlers and producers of the agricultural commodity such as:

- (a) prices and terms of sale
- (b) quality specifications
- (c) quantity to be marketed by acreage or weight
- (d) transactions involving products and services utilized by one party and provided by the other party
- (e) *check off procedures pursuant to assessments levied by the association, not to exceed one-half of one percent of the gross value of the producers annual production contract are collected by handlers from proceeds to producers within the bargaining unit and paid to the association."*

Further amend the title as follows:

Strike line 5 and insert "Sections"

Line 7, before the period, insert "; and 17.697, Subdivision 1"

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

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

S. F. No. 868: A bill for an act relating to motor vehicles; providing for activities in connection with motor vehicle and other waste; amending Minnesota Statutes 1974, Sections 168B.02, by adding a subdivision; 168B.09, Subdivision 1; 168B.10, Subdivision 1; and Chapter 168B, by adding a section.

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

Page 1, line 11, after "solid" strike "waste" and insert "and liquid wastes"

Page 1, line 14, after "oil" insert "but exclusive of scrap metal"

Page 1, line 20, after "the" strike "collection, storage and transportation of abandoned"

Page 1, strike lines 21 through 23 and insert "inventory of abandoned motor vehicles and abandoned scrap metal and, if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of abandoned motor vehicles and abandoned scrap metal; provided, however, that unit of government may utilize its own equipment and personnel for the collection and storage of not more than five abandoned motor

vehicles without advertising for or receiving bids in any 120 day period."

Page 2, line 2, strike "FOR DISPOSAL"

Page 2, line 4, strike "disposal"

Page 2, line 5, strike "for other services"

Page 2, line 10, strike "disposal"

Page 2, line 13, before "The" insert "*Except as otherwise provided in section 168B.09,*"

Page 2, line 14, strike "disposal"

Page 2, lines 14 and 15, strike the new language

Page 2, line 21, strike "disposal"

Page 2, lines 24 through 28, reinstate the stricken language.

Page 2, line 32, strike "and"

Page 3, line 1, strike "establish control"

Page 3, line 1, after "for" insert "*the control of*"

Page 3, line 2, after "vehicles" insert a comma

Page 3, line 6, after the period add "*Expenses incurred by the agency in administering chapter 168B and in performing its functions pursuant to section 4 shall be payable from the appropriations made to the agency for automobile recycling, provided that no more than seven percent of such appropriations shall be so expended. The remainder of such appropriations shall be available to be expended on reimbursement contracts made pursuant to section 3.*"

Amend the title as follows:

Line 2, after "vehicles;" insert "defining motor vehicle wastes;"

Line 2, strike "providing for" and insert "authorizing governmental units to conduct certain"

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

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

S. F. No. 1035: A bill for an act relating to railroad safety; appropriating money to the department of public service for the purpose of enforcing certain railroad track safety standards.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance. Report adopted.

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

S. F. No. 764: A bill for an act relating to the city of Crystal;

providing for the filing of candidates for primary elections; amending Laws 1971, Chapter 213, Section 2.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

Mr. Chenoweth from the Committee on Metropolitan and Urban Affairs, to which was referred

S. F. No. 393: A bill for an act relating to the metropolitan airports commission; exercise of powers; tax levy; amending Minnesota Statutes 1974, Section 360.109, Subdivision 5.

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

Page 1, line 6, strike "Minnesota Statutes 1974, Section 360.109" and insert "Laws 1975, Chapter 13, Section 103"

Page 2, line 1, delete "1973" and insert "1974"

Page 2, lines 1 and 2, delete "360.114, as amended" and insert "116"

Further amend the title as follows:

Page 1, line 3, after "amending" strike "Minnesota" and insert "Laws"

Page 1, line 4, strike "Statutes 1974, Section 360.109" and insert "1975, Chapter 13, Section 103"

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

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

S. F. No. 605: A bill for an act relating to licensing boards; re-defining health related licensing board and non-health related licensing board; providing certain uniform requirements; transferring jurisdiction over and functions of certain agencies and boards; appropriating money; amending Minnesota Statutes 1974, Sections 125.183, Subdivisions 1 and 3; 125.184, Subdivision 1; 125.185, Subdivision 6; 147.01; 144.952, Subdivision 2; 148.03; 148.04; 148.07, Subdivision 3; 148.181; 148.191, Subdivision 1; 148.29, Subdivisions 2 and 3; 148.52; 148.54; 148.60; 148.68; 148.69; 148.90, Subdivisions 2 and 3; 150A.02, Subdivision 1; 150A.03, Subdivisions 1 and 3; 151.03; 151.06, Subdivision 1; 151.07; 153.01, Subdivision 3; 153.02; 153.03; 153.04; 153.13; 153.14; 153.15; 154.22; 154.23; 155.05; 155.06, Subdivisions 1 and 2; 156.01, Subdivisions 1 and 3; 214.01, Subdivisions 2 and 3; 214.04; 238.04, Subdivision 5; 270.41; 270.42; 270.43; 270.45; 326.04; 326.07; 326.09; 326.17; 326.18; 326.241, Subdivisions 1 and 3; 326.33, Subdivisions 1 and 5; 326.334, Subdivision 7; 326.37; 326.38; 326.39; 326.40; 326.41; 326.42; 326.43; 326.44; 326.541; 326.542; 326.543; 326.544; 326.545; 326.546; 326.57; 326.58; 326.59; 326.60;

326.61, Subdivision 3; 326.62; 326.63; 326.64; 326.66; 341.01; 341.02; 386.63, Subdivisions 1 and 4; Chapters 148, by adding a section; and 214, by adding sections; and repealing Minnesota Statutes 1974, Sections 125.183, Subdivision 2; 148.90, Subdivision 4; 150A.02, Subdivision 2; and 341.14.

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

Page 2, line 1, strike "19" and insert "17"

Page 2, line 4, strike "The"

Page 2, strike lines 5 to 11

Page 2, line 12, strike "term expires." and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 2, line 13, strike the new language

Page 2, strike lines 14 to 23

Page 3, line 9, strike "six" and insert "four"

Page 3, strike lines 20 to 27

Page 5, line 6, strike "The governor shall appoint six members of"

Page 5, strike lines 7 to 14

Page 5, line 15, strike "member whose term expires." and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 5, line 27, strike "eight" and insert "four"

Page 7, line 18, strike "The"

Page 7, strike lines 19 to 28

Page 8, line 16, strike "The"

Page 8, strike lines 17 to 32 and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 9, strike lines 1 to 6 and insert:

"Sec. 7. Minnesota Statutes 1974, Section 147.05, is amended to read:

147.05 [SUPPLIES; SECRETARY, EXECUTIVE SECRETARY, COMPENSATION.] The state board of medical examiners shall provide blanks, books, certificates, and such stationery and assistance as is necessary for the transaction of the business pertaining to the duties of such board and all money received by the secretary shall be paid into the state treasury and credited to the

general fund and the unexpended balance in any special account of the board in the state treasury as of July 1, 1973 shall also be credited to the general fund. The expenses of administering sections 147.01 to 147.29 shall be paid from the appropriations made to the Minnesota state board of medical examiners. The board may employ, discharge, and fix the compensation of an executive secretary, in the unclassified service, to perform duties prescribed by the board. The secretary and executive secretary of the board shall each give a bond in the sum of \$10,000 to the state of Minnesota for the faithful performance of his duties. Each member of the board shall receive as compensation for his services the sum of \$50 per day, to be fixed by the board for each day spent in the execution of duties imposed on the board by chapter 147, and rules and regulations adopted pursuant thereto, including attendance at meetings of the Federation of State Medical Boards, and, regular and special meetings of the board, and the secretary and other members of the board shall receive all expenses actually and necessarily incurred by them in connection therewith, subject to the regulations of the department of administration adopted pursuant to section 15.02, subdivision 20. The secretary shall receive a salary of not to exceed \$9,600 per annum, the amount thereof to be fixed by the board. The salary and expenses of the members of the board shall be paid as determined by the board by the state treasurer on warrants signed by the president or secretary, or other authorized person, drawn by the commissioner of finance on the state treasurer on the funds appropriated to said board."

Page 9, strike lines 23 to 32

Page 10, strike lines 1 to 5

Page 10, line 6, strike the new language and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 10, line 18, strike "state"

Pages 10 and 11, strike all of section 9

Page 11, line 13, after "148.181," insert "Subdivision 1,"

Page 11, line 32, strike "The"

Page 12, strike lines 1 to 7

Page 12, line 8, strike the new language and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 12, after line 15, insert:

"Sec. 11. Minnesota Statutes 1974, Section 148.181, Subdivision 2, is amended to read:"

Page 12, strike lines 28 to 32

Page 13, strike lines 1 to 7

Page 13, line 13, strike "secretary" and insert "secretary-treasurer"

Page 13, line 13, strike "(who shall also be the treasurer)"

Page 13, line 26, strike "Minnesota"

Page 14, line 9, strike "The governor shall appoint"

Page 14, strike lines 10 to 25 and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 15, line 3, strike "by it in the state treasury to the credit of" and insert "in"

Page 15, line 5, after "board" insert "of nursing"

Page 15, line 8, strike "state"

Page 15, line 12, strike "The"

Page 15, strike lines 13 to 29

Page 15, line 30, strike "terms."

Page 15, line 32, after the stricken period, insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 16, line 3, strike "state"

Page 16, after line 9, insert:

"Sec. 18. Minnesota Statutes 1974, Section 148.55, is amended to read:

148.55 [COMPENSATION OF BOARD MEMBERS; ATTORNEY; ASSISTANTS; RECORDS.] ~~Each member shall receive from the funds of the state board of optometry \$35 a day for actual services and necessary travel and expense allowance not to exceed 24 days in any calendar year. For administrative and clerical services the secretary shall receive such compensation as the board may deem just and proper. The board may employ an attorney or other necessary assistants to aid in the enforcement of the provisions of sections 148.52 to 148.62, the attendant expense to be met from the funds of the board. The secretary shall keep a record of all proceedings, including therein the name of every applicant for examination or registration, which record shall be open for inspection."~~

Page 16, line 19, strike "state"

Pages 16 to 20, strike all of sections 18 and 19

Page 20, after line 2, insert:

"Sec. 20. Minnesota Statutes 1974, Section 148.67, is amended to read:

148.67 [EXAMINING COMMITTEE.] ~~There is hereby created a state examining committee for physical therapists to assist The state board of medical examiners shall appoint an examining committee in carrying out the provisions of this law, regarding the qualifications and examination of physical therapists. The examining committee shall consist of five members, citizens and residents of the state of Minnesota, composed of three physical therapists, one licensed and registered doctor of medicine in the general practice of medicine, and one professor or associate or assistant professor from a course in physical therapy accredited by the state board of medical examiners.~~

Sec. 21. Minnesota Statutes 1974, Section 148.70, is amended to read:

148.70 [APPLICANTS, QUALIFICATIONS.] It shall be the duty of the state board of medical examiners ~~with the advice and assistance of the state examining committee~~ to pass upon the qualifications of applicants for registration, provide for and conduct all examinations, determine the applicants who successfully pass examination, and duly register such applicants. A person who desires to be registered as a physical therapist and who

(a) is at least 18 years old;

(b) is of good moral character;

(c) has obtained a high school education or its equivalent as determined by the board, and

(d) has been graduated by a school of physical therapy approved by the board for training physical therapists, may make application on a form furnished by the board, for examination for registration as a physical therapist as defined in sections 148.65 to 148.78. In determining whether or not such approval shall be given, the board may take into consideration the approval or non-approval of such schools by the appropriate council of the American Medical Association or of the Canadian Medical Association, if any, at the time of his graduation, or if graduated prior to 1936, the school or course was approved by the American Physical Therapy Association at the time of his graduation. Such examination shall embrace the following subjects: the applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics, physical therapy, as defined in sections 148.65 to 148.78, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; and technical procedures in the practice of physical therapy as defined in sections 148.65 to 148.78, and such other subjects as the board may determine to be necessary. At the time of making such application, the applicant shall pay to the board \$15, no portion of which shall be returned."

Page 20, line 6, strike the period and insert a semicolon

Page 20, strike lines 7 to 16

Page 20, line 20, strike "Shall"

Page 20, line 22, after "Designate" strike "its" and insert "the"

Page 20, line 22, after "officers" and before the comma insert "of the board"

Page 20, after line 28, insert:

"Public members of the board shall broadly represent the public interest and shall not: (a) be members of health professions licensed by the state of Minnesota; (b) be a spouse, parent, child, or employee of a practicing psychologist or of a health professional licensed by the state of Minnesota; or (c) be persons who are or were before their retirement persons who were engaged on a full or part time basis in the practice of psychology."

Page 20, line 31, strike "the governor shall appoint"

Page 21, line 11, strike the new language

Page 21, strike lines 12 to 28 and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 21, after line 28, insert:

"Sec. 24. Minnesota Statutes 1974, Section 148.95, Subdivision 1, is amended to read:

148.95 [SUSPENSION AND REVOCATION.] Subdivision 1. The license of any consulting psychologist or psychologist may be suspended or revoked by the board upon proof that he has been guilty of unprofessional conduct as defined by the rules established by the board or has violated the code of ethics adopted by the board.

(1) No license shall be suspended or revoked or reprimand issued until after a hearing before the board. A notice of at least 30 days shall be served upon the licensee charged, either personally or by registered mail, stating the time and place of the hearing and setting forth the ground or grounds constituting the charges against him. The licensee is entitled to be heard in his defense and by counsel and may produce testimony and may testify in his own behalf. A record of the hearing shall be taken and presented. The hearing may be adjourned as necessary. If the licensee fails or refuses to appear, the board may proceed to hear and determine the charges in his absence. If he pleads guilty, or if upon hearing the charges, six members of the board find them to be true, the board may enter an order suspending or revoking the license or reprimanding him, as the case may be. The board shall record its findings and orders in writing.

(2) The board, through its chairman or vice chairman, may compel the attendance of witnesses and the production of physical evidence before it from witnesses upon whom process is served anywhere within the state as in civil cases in the district court by

subpoena issued over the signature of the chairman or vice chairman and the seal of the board. Upon request by an accused licensee and statement under oath that the testimony or evidence is reasonably necessary to his defense, the subpoena shall be served out of the district courts in this state and returned as a return in such case is made.

(3) For reasons it deems sufficient and upon a vote of five six of its members, the board may restore a license which has been revoked, reduce a period of suspension or withdraw a reprimand."

Page 21, line 32, strike "state"

Page 22, line 10, strike the new language

Page 22, strike lines 11 to 16

Page 22, line 17, strike the new language and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 22, line 25, strike "five" and insert "nine consecutive"

Page 22, line 26, strike "The governor shall appoint"

Page 22, strike lines 27 to 29

Page 23, line 19, strike the new language

Page 23, strike lines 20 to 27

Page 23, line 31, strike "state"

Page 24, line 10, strike "state"

Page 24, after line 11, insert:

"Sec. 27. Minnesota Statutes 1974, Section 150A.03, Subdivision 2, is amended to read:

Subd. 2. Out of the funds coming into the possession of the board, the members thereof shall receive as compensation a sum of \$50 per day and necessary traveling expenses for each day actually engaged in the duties of their offices. The secretary-treasurer shall, in addition thereto, be paid a salary in the amount to be set by the board, not to exceed \$4,000 per year. The board may expend funds for administrative, consultant, secretarial, clerical, and stenographic services for the board, the amount of such expenditures to be set by the board after consultation with the department of personnel. The board may accept any funds which may be made available to the board from any source. All funds received by the board under sections 150A.01 to 150A.12 shall be paid to the secretary-treasurer thereof, who shall deposit the same each month with the state treasurer, the funds to be credited to the general fund together with any unexpended balance in the special account of the board as of July 1, 1973. The expenses of administering sections 150A.01 to 150A.12 shall be paid from the appropriation made to the state board of dentistry."

Page 24, line 14, strike "The president and secretary-treasurer of the"

Page 24, strike lines 15 to 17

Page 24, line 26, strike everything after the period

Page 24, strike lines 27 to 29

Page 25, line 5, strike the new language

Page 25, strike lines 6 to 13

Page 25, line 14, strike "unexpired term." and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 25, line 17, strike everything after the period

Page 25, strike line 18

Page 25, line 19, strike "office."

Page 25, line 21, strike the new language

Page 25, strike lines 22 to 29

Page 25, line 32, strike "state"

Page 28, strike lines 16 to 19

Page 28, lines 22 to 25, reinsert the stricken language and strike the new language

Page 28, line 26, reinsert the stricken "podiatrists of good standing in their profession"

Page 28, lines 30 and 31, strike the new language

Page 28, line 32, after the period insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 29, line 8, strike "by its secretary"

Page 29, line 8, strike "state treasury and credited"

Page 29, line 9, strike "to the"

Page 33, line 14, strike "board, to be known as the"

Page 33, line 14, after "examiners" strike the comma

Page 33, strike lines 30 to 32

Page 34, strike lines 1 to 14 and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 35, line 1, strike "state"

Page 35, line 2, strike "give a bond in the sum"

Page 35, strike lines 3 and 4

Page 35, line 5, strike "duties and"

Page 35, line 7, strike "duly"

Page 35, line 11, strike "a"

Page 35, line 12, strike "of \$35 per day"

Page 35, line 12, strike "of actual service" and insert "*spent on board activities*"

Page 35, line 14, strike ", in discharge of their duties as such"

Page 35, strike lines 15 to 22

Page 35, line 23, strike "by the member."

Page 36, line 2, strike "The governor shall appoint"

Page 36, strike lines 3 to 9

Page 36, line 10, strike "*term expires .*" and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 36, line 19, strike "The governor may"

Page 36, strike lines 20 to 28

Page 36, line 29, strike the new language

Page 36, line 31, strike "duly"

Page 37, line 20, strike "Necessary expenses"

Page 37, strike lines 21 and 22

Page 37, line 23, strike "help shall be fixed by the board."

Page 37, line 24, strike "The"

Page 37, strike lines 25 to 27

Page 37, line 28, strike "the amount of \$10,000."

Page 37, line 30, after "\$9,000" strike the comma and insert a period

Page 37, strike lines 31 and 32

Page 38, line 5, strike "at the state capitol or at"

Page 38, strike line 6

Page 38, line 9, strike everything after "board"

Page 38, line 10, strike everything before the period

Page 38, line 11, strike "at"

Page 38, line 12, strike "least two-thirds of the" and insert "three"

Page 38, after line 14, insert:

"Sec. 43. Minnesota Statutes 1974, Section 155.08, is amended to read:

155.08 [COMPENSATION OF BOARD MEMBERS.] Each member of the board except the secretary-treasurer shall receive the sum of \$35 be compensated for each day employed in the actual discharge of his official duties spent on board activities and any necessary expenses incurred incidental thereto. Such days employed are not to exceed 100 days in any one year except that in the months when state board examinations are given this limitation will not apply. Compensation and expenses of and for the board shall be paid out of the funds of the board deposited in the state treasury and not otherwise."

Page 39, line 1, strike the new language

Page 39, strike lines 2 to 19 and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 39, line 23, strike " , vice president, secretary, treasurer,"

Page 40, line 7, strike everything after the period

Page 40, strike lines 8 to 10

Page 40, line 15, strike "the board of"

Page 40, strike line 16

Page 40, line 17, strike "146.03,"

Page 40, line 18, strike "Minnesota"

Page 40, line 19, strike "state"

Page 40, line 23, strike "state"

Page 40, line 24, strike everything after the comma

Page 40, line 25, strike "therapists established pursuant to section 148.66,"

Page 40, line 25, strike "state"

Page 40, line 27, strike "state"

Page 40, line 28, reinsert the stricken language except for the stricken word "state"

Page 40, line 29, reinsert the stricken "registration established pursuant to section 153.02,"

Page 40, line 30, strike "state"

Page 40, line 31, strike "state"

Page 41, line 7, strike "state"

Page 41, line 8, strike "state"

Page 41, line 10, strike "state"

Page 41, line 11, strike "state"

Page 41, line 12, reinsert the stricken "the"

Page 41, line 12, reinsert the stricken "board"

Page 41, lines 13 and 14, reinsert the stricken language

Page 41, line 14, strike "state"

Page 41, line 15, strike "and"

Page 41, line 15, strike "Minnesota"

Page 41, line 16, after "386.63" insert a comma

Page 41, line 16, strike "state"

Page 41, line 25, reinsert the stricken "administration"

Page 41, line 25, strike "health with respect to the"

Page 41, strike line 26

Page 41, line 27, strike "and industry"

Page 41, line 30, strike "commerce with respect to all other non-health related" and insert "revenue with respect to the board of assessors,"

Page 41, line 31, strike "boards"

Page 41, line 31, strike "at a central location"

Page 42, line 9, after the stricken period insert "*The commissioner of health with respect to the health related licensing boards and the commissioner of commerce with respect to the remaining non-health related licensing boards shall provide the above facilities and services at a central location for the health related and remaining non-health related licensing boards.*"

Page 42, line 16, after "of the" insert "appropriate"

Page 42, line 16, after "department" strike "of" and insert "as specified in subdivision 1"

Page 42, strike lines 17 to 19

Page 42, line 20, strike "to the other non-health related boards"

Page 42, line 23, after "of the" insert "appropriate"

Page 42, line 23, after "department" strike "of"

Page 42, line 23, strike "health,"

Page 42, strike line 24

Page 42, line 25, strike the new language

Page 42, line 30, strike "November"

Page 42, line 31, strike "15" and insert "October 1"

Page 43, line 6, after "approximate" insert "total"

Page 43, line 7, after "by" insert "all"

Page 43, line 19, strike "October 1" and insert "June 30"

Page 44, line 4, after "board" insert "or who were denied licensing or registration"

Page 44, line 5, before "and with" insert "or denial thereof"

Page 44, line 16, after "summary" insert "by category"

Page 44, line 23, strike "January" and insert "December"

Page 44, line 23, strike "odd" and insert "even"

Page 45, after line 2, insert:

"Sec. 51. Minnesota Statutes 1974, Chapter 214, is amended by adding a section to read:

[214.09] [MEMBERSHIP; COMPENSATION; REMOVAL; VACANCIES.] *Subdivision 1. [GENERAL.] The following standard provisions shall apply to the health related and non-health related licensing boards and to agencies created after July 1, 1975 in the executive branch, other than departments, whose primary functions include licensing, registration or certification of persons in specified professions or occupations.*

Subd. 2. [MEMBERSHIP TERMS.] The terms of the member shall be four years with the terms ending on the first Monday in January. The appointing authority shall appoint as nearly as possible one-fourth of the members to terms expiring each year. If the number of members is not evenly divisible by four, the greater number of members, as necessary, shall be appointed to terms expiring in the year of commencement of the governor's term and the year or years immediately thereafter. If the membership is composed of categories of members from occupations, industries, political subdivisions, the public or other groupings of persons, and if the categories have two or more members each, the governor shall appoint as nearly as possible one-fourth of the members in each category at each appointment date. Members may serve until their successors are appointed and qualify. If the governor fails to appoint a successor by July 1 of the year in which the term expires the term of the member for whom a successor has not been appointed shall extend until the first Monday in January four years after the scheduled end of the original term.

Subd. 3. [COMPENSATION.] Members of the boards shall be compensated at the rate of \$35 per day spent on board activities plus expenses in the same manner and amount as received by state employees. Members who are state employees or employees of the political subdivisions of the state shall not receive the \$35 per day, but they shall suffer no loss in compensation from the state or a

political subdivision as a result of their service on the board. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless such expenses are reimbursed by another source.

Subd. 4. [REMOVAL; VACANCIES.] A member may be removed by the appointing authority at any time (1) for cause after notice and hearing, (2) if the board fails to prepare and submit the report required by section 49, or (3) after missing three consecutive meetings. The chairman of the board shall inform the governor of a member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the board shall notify the member in writing that he may be removed if he misses the next meeting. In the case of a vacancy on the board, the governor shall appoint a person to fill the vacancy for the remainder of the unexpired term."

Page 45, strike lines 3 to 8

Page 45, line 11, strike "board to be known"

Page 45, line 12, strike "as a state"

Page 45, line 12, strike ", hereinafter called "the"

Page 45, line 13, strike "board" "

Page 45, line 13, strike "Such" and insert "The"

Page 46, line 23, strike the new language and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 46, strike lines 24 to 32

Page 47, strike lines 1 to 7

Page 47, strike lines 8 to 15

Page 47, line 23, strike "and credited to" and insert "for deposit in"

Page 47, line 26, strike "state"

Page 47, line 31, strike "state"

Page 48, line 30, strike "The"

Page 48, strike lines 31 and 32

Page 49, strike lines 1 to 18 and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 49, line 28, strike "and" and insert a comma

Page 49, line 29, strike "secretary-treasurer" and insert "secretary and a treasurer"

Page 49, after line 31, insert:

"Sec. 57. Minnesota Statutes 1974, Section 326.08, Subdivision 2, is amended to read:

Subd. 2. Any member of the board, the executive secretary of the board, or the attorney for the board may be authorized by the board to attend any architectural, engineering, or land surveying conference or meeting held outside of this state, the major purpose of which is the consideration of problems directly associated with the registration of architects, professional engineers, or land surveyors. In addition to any subsistence and travel allowance prescribed by law for travel outside of the state, a member of the board who attends such an architectural, engineering, or land surveying conference or meeting pursuant to authorization by the board shall receive \$35 for each day or portion thereof he attends the conference or meeting or travels to or from the conference or meeting."

Page 50, line 13, after "the" insert "executive"

Page 50, line 14, strike "secretary-treasurer" and insert "secretary"

Page 50, line 15, strike "January" and insert "July"

Page 50, line 15, after "each" insert "even-numbered"

Page 50, line 27, strike "board of"

Page 50, line 28, strike "examiners, to be know as the state"

Page 50, line 28, after "accountancy" strike the comma

Page 51, line 3, strike "The governor shall appoint four"

Page 51, strike lines 4 to 29 and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 52, line 18, strike "state"

Page 53, after line 20, insert:

"Sec. 61. Minnesota Statutes 1974, Section 326.22, Subdivision 3, is amended to read:

Subd. 3. [EXPENSES OF ADMINISTRATION.] The board shall pay all ordinary and necessary expenses in the same amount and manner as state employees. The fees collected under sections 326.17 to 326.23 shall be paid into the state treasury and credited to the general fund together with the unexpended balance in any special fund of the board as of July 1, 1973. The expenses of administering sections 326.17 to 326.23 shall be paid from appropriations made to the state board of accountancy. The members of the board of accountancy shall be paid \$35 per day spent in the performance of their duties and all necessary expenses."

Page 53, line 24, strike "state"

Page 54, strike lines 3 to 18 and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 54, line 21, strike "Each member of"

Page 54, strike lines 22 to 28

Page 54, line 29, strike "appeals, or license proceedings."

Page 54, line 31, strike "in the state treasury"

Page 55, line 4, strike *"of the state treasury"*

Page 55, line 6, strike "state"

Page 55, line 9, strike "state"

Page 55, line 10, strike *"of the"*

Page 55, line 11, strike *"state treasury"*

Page 55, line 12, strike "state"

Page 55, line 13, strike *"of the state treasury"*

Page 55, line 25, reinsert the stricken "two" and strike *"four"*

Page 55, line 26, strike the new language and insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 55, strike lines 27 to 32

Page 56, strike lines 1 to 9

Page 56, strike lines 18 to 27

Page 56, line 31, strike "in the state treasury"

Page 57, line 5, reinsert the stricken language and strike the new language

Page 57, line 6, strike *"labor and industry"*

Page 57, line 15, strike the new language

Page 57, strike lines 16 to 21 and insert *"Violation of the rules shall be a misdemeanor."*

Page 57, line 22, reinsert the stricken language and strike the new language

Pages 57 to 62, strike all of sections 64 through 70

Page 62, lines 13 to 22, reinsert the stricken language

Page 62, line 23, reinsert the stricken "Laws 1973, Chapter 638."

Page 62, line 23, after the reinserted period, insert:

"Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51."

Page 62, lines 29 and 30, reinsert the stricken "The board of seven shall have at least two employees as members."

Page 62, line 32, reinsert the stricken language

Page 63, lines 1 to 8, reinsert the stricken language

Page 63, line 9, reinsert the stricken "reasonable times."

Page 63, line 14, reinsert the stricken "The secretary, in addition to such per diem and"

Page 63, line 15, reinsert the stricken language

Page 63, line 16, reinsert the stricken "(3)" and strike "(1)"

Page 63, line 16, reinsert the stricken "board" and strike "*chairman of the commerce commission*"

Page 63, line 17, strike the new language

Page 63, line 18, reinsert the stricken language

Page 63, line 19, reinstate the stricken language except for the stricken word "to"

Page 63, line 19, after the stricken word "to" insert "may"

Page 63, line 20, reinsert the stricken language

Page 63, line 21, reinsert the stricken "service"

Page 63, line 21, strike the new language

Page 63, strike lines 22 and 23

Page 63, line 25, reinstate the stricken "(4)" and strike "(2)"

Page 63, line 25, reinsert the stricken "secretary" and strike "*chairman or his designee*"

Page 63, line 29, reinsert the stricken "secretary" and strike the new language

Page 63, line 32, reinsert the stricken "board"

Page 64, line 1, strike the new language

Page 64, line 6, reinsert the stricken "board" and strike the new language

Page 64, line 7, reinsert the stricken "board" and strike the new language

Page 64, line 8, strike "*designee*"

Page 64, line 11, strike "19" and insert "18"

Pages 64 to 73, strike all of sections 73 to 85

Page 73, line 19, strike "commissioners" and insert "*members*"

Page 73, line 21, strike “, who shall”

Page 73, strike lines 22 to 24

Page 73, strike all of line 25 except the period

Page 73, after line 25, insert:

“Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51.”

Page 73, line 28, strike “GOVERNOR TO APPOINT” and insert “LIMITATIONS”

Page 73, line 28, strike “The governor shall”

Page 73, line 29, strike “appoint as members of this commission”

Page 74, line 4, strike the new language

Page 74, strike lines 5 to 18

Page 74, line 19, strike “governor for the unexpired portion of the term.”

Page 74, line 20, strike “commissioner” and insert “member”

Page 74, line 27, strike “a board to be known”

Page 74, line 28, strike everything before “whose” and insert “an abstractors board of examiners”

Page 75, line 8, strike the new language

Page 75, strike lines 9 to 16

Page 75, line 17, strike “officers”

Page 75, line 24, strike the period and the new language

Page 75, strike lines 25 to 32

Page 76, strike lines 1 to 4

Page 76, after line 4, insert:

“Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51.”

Page 76, after line 12, insert:

“Sec. 74. Minnesota Statutes 1974, Section 115.74, is amended to read:

115.74 [BOARD OF CERTIFICATION.] Subdivision 1. The board of certification shall be composed of six members. The governor shall appoint four members as follows: A currently employed water supply system operator holding a valid certificate issued by the secretary; a currently employed wastewater treatment facility operator holding a valid certificate issued by the director; a university or college faculty member whose major field is related to water supply or wastewater collection and treatment; and a representative

of the league of Minnesota municipalities. The remainder of the board shall be composed of the following persons: A representative of the state department of health who is either the director of the division of environmental health or a qualified member of his staff; the director of the Minnesota pollution control agency or a qualified member of his staff. In the case of the first board, the appointments of a water supply system operator and a wastewater treatment facility operator shall be made from currently employed operators holding valid certificates under the voluntary certification program administered by the state department of health and the Minnesota pollution control agency.

Subd. 2. Each member of the board, with the exception of the ~~ex officio members from the state department of health and the Minnesota pollution control agency, shall be appointed for a three year term, except that in the case of the initial appointments the representative of the league of Minnesota municipalities shall be appointed for one year, both operators for two years, and the faculty member for three years. The ex officio members shall serve for indefinite terms. Vacancies shall be filled by appointment pursuant to subdivision 1 of this section and shall be for the unexpired term. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 49 to 51.~~

Subd. 3. Members of the first board, at the call of the governor, shall organize and elect from their number a chairman and a vice chairman. The ~~ex officio members shall not serve as chairman but shall otherwise have the same rights and duties as the other members, including, but not limited to, the right to vote. Thereafter, annually~~ When new members are appointed to the board a chairman shall be elected at the next board meeting. The state department of health representative or other representative designated by the board shall serve as secretary of the board, except that the secretary shall be responsible for maintaining records relating to certification of water supply system operators and the Minnesota pollution control agency shall be responsible for maintaining records relating to certification of wastewater treatment facility operators.

Subd. 4. The board shall cause at least one examination to be held each year for the purpose of examining candidates for certification at a time and place designated by the board. Those applicants whose competency is acceptable to the board shall be recommended to the secretary or the director for certification. Additional meetings may be called by the chairman as may be necessary to carry out the provisions of sections 115.71 to 115.82. Four members shall constitute a quorum.

Subd. 5. The members of the board shall serve without compensation except for their actual and necessary expenses incurred while discharging their official duties. The cost of such expense reimbursements shall be shared equally by the department of health and the Minnesota pollution control agency."

Page 76, line 15, strike "42" and insert "46"

Page 76, line 15, strike "43" and insert "47"

Page 76, line 16, strike everything before the period and insert: *"the first Monday in January in the year next following the scheduled end of their terms. Thereafter, the successors to these members shall be appointed to and shall serve for terms consistent with the provisions of this act"*

Page 76, line 16, strike everything after the period

Page 76, strike lines 17 to 32

Page 77, strike lines 1 to 26

Page 77, after line 26, insert:

"Sec. 76. Minnesota Statutes 1974, Chapter 15, is amended by adding a section to read:

[15.013] [LICENSING BOARD MEMBERS, COMPENSATION, TERMS, REMOVAL, REPORTS.] *Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements for those agencies in the executive branch other than departments having licensing, certification and registration functions shall be as provided in sections 49 to 51 of this act."*

Page 77, line 28, after "2;" insert "148.181, Subdivision 3; 148.07, Subdivision 3; 148.201; 148.296, Subdivision 2; 148.68; 148.69;"

Page 77, line 28, strike "Subdivision 4" and insert "Subdivisions 4 and 5"

Page 77, line 29, strike "and" and insert "151.08; 153.12; 341.03;"

Page 77, line 29, after "341.14" insert "; and 386.63, Subdivision 5"

Renumber the sections in sequence

Strike the title and insert:

"A bill for an act relating to licensing boards and agencies; redefining health related licensing board and non-health related licensing board; providing certain uniform provisions and requirements; appropriating money; amending Minnesota Statutes 1974, Sections 115.74; 125.183, Subdivisions 1 and 3; 125.184, Subdivision 1; 125.185, Subdivision 6; 144.952, Subdivision 2; 147.01; 147.05; 148.03; 148.04; 148.181, Subdivisions 1 and 2; 148.191, Subdivision 1; 148.29, Subdivisions 2 and 3; 148.52; 148.54; 148.55; 148.60; 148.67; 148.70; 148.90, Subdivisions 2 and 3; 148.95, Subdivision 1; 150A.02, Subdivision 1; 150A.03, Subdivisions 1, 2 and 3; 151.03; 151.06, Subdivision 1; 151.07; 153.02; 153.03; 153.04; 153.13; 153.14; 153.15; 154.22; 154.23; 155.05; 155.06, Subdivisions 1 and 2; 155.08; 156.01, Subdivisions 1 and 3; 214.01, Subdivisions 2 and 3; 214.04; 270.41; 270.42; 270.45; 326.04; 326.07; 326.08, Subdivision 2; 326.09; 326.17; 326.18; 326.22, Subdivision 3; 326.-

241, Subdivisions 1 and 3; 326.33, Subdivision 1; 326.334, Subdivision 7; 326.37; 326.541; 326.542; 326.66; 341.01; 341.02; 386.63, Subdivisions 1 and 4; Chapters 148, by adding a section; 214, by adding sections; and 15, by adding a section; repealing Minnesota Statutes 1974, Sections 125.183, Subdivision 2; 148.07, Subdivision 3; 148.181, Subdivision 3; 148.201; 148.296, Subdivision 2; 148.68; 148.69; 148.90, Subdivisions 4 and 5; 150A.02, Subdivision 2; 151.08; 153.12; 341.03; 341.14; and 386.63, Subdivision 5."

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

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

S. F. No. 944: A bill for an act relating to taxation; providing for redemption of forfeited property under certain conditions.

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

Page 1, line 12, strike "taxes, including"

Page 2, line 3, strike " "Accelerated redemption period" and insert " "Special state redemption fund"

Page 2, line 5, strike "person" and insert "corporation"

Page 2, line 7, after "exceed" insert "\$1,000,000, and represent at least"

Page 2, line 15, strike "accelerated redemption period" and insert "special state redemption fund"

Page 2, line 16, strike "a notice" and insert "notices"

Page 2, line 17, after "the" insert "commissioner of finance and the"

Page 2, line 22, strike "three months" and insert "two years"

Page 2, line 28, after "deliver" strike "such" and insert "the"

Page 2, line 28, after "notice" insert "directed to the person or persons under whose name or control the property is assessed"

Page 3, line 5, after "corporation," insert "the notice may be served upon an officer of such corporation"

Page 3, line 6, after "if" strike "the" and insert "an"

Page 3, line 16, strike ", and" and insert a period

Page 3, line 27, strike "at least" and insert "within"

Page 3, line 27, after "days" insert "after the date of the notice."

Page 3, strike line 28

Page 4, line 13, strike "accelerated redemption period" and insert "special state redemption fund"

Page 4, after line 21, insert:

"Sec. 4. Upon certification by the county auditor that the provisions of section 2 have been complied with, the auditor may apply to the commissioner of finance for payment from the special state redemption fund of an amount equal to the special assessments on special state redemption fund property which have been levied but are unpaid for the previous taxable year. If the commissioner is satisfied that the provisions of section 2 have been complied with and that the application for payment is correct, he shall pay to the county auditor the amount requested.

Sec. 5. Except as otherwise expressly provided in this act, the provisions of Minnesota Statutes 1974 relating to delinquent real estate taxes, tax judgment sales, redemption, and tax-forfeited land sales shall apply to special state redemption fund property. However, upon the sale or redemption of any special state redemption fund property, a sum sufficient to repay the special state redemption fund the amount paid to the county auditor, together with ten percent interest per year on that amount, shall be paid to the commissioner of finance and credited to the special state redemption fund prior to any other apportionment of the proceeds as may otherwise be provided by law.

Sec. 6. There is hereby annually appropriated from the general fund of the state treasury to the commissioner of finance an amount sufficient to make the payments provided for in section 4."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "conditions" insert "; creating a special state redemption fund; appropriating money"

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

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

S. F. No. 820: A bill for an act relating to education; powers of trustees of incorporated colleges; amending Minnesota Statutes 1974, Section 121.18.

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

Page 1, line 6, strike "Section 121.18" and insert "Chapter 136A"

Page 1, line 7, after "amended" insert "by adding a section"

Page 1, line 8, strike "121.18" and insert "[136A.23]"

Page 1, line 9, underline "The trustees of any"

Page 1, underline the language in lines 10 through 18

Page 1, line 18, after "the" insert "*commission, and shall annually report such information as the commission deems necessary.*"

Page 1, line 18, delete "commissioner" and the stricken comma and delete lines 19 through 22

Page 1, after line 22, insert:

"Sec. 2. Minnesota Statutes 1974, Section 121.18, is repealed."

Renumber the remaining section

Further amend the title as follows:

Page 1, line 3, after the semicolon insert "changing the duty of incorporated colleges or seminaries to report to the commissioner of education to a duty to report to the higher education coordinating commission;"

Page 1, line 4, after the comma insert "Chapter 136A, by adding a section; repealing Minnesota Statutes 1974,"

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

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

S. F. No. 596: A bill for an act relating to teachers; appointing two vocational teachers to the teacher standards and certification commission; providing for an executive director of the professional teaching practices commission; certification criteria for vocational education teachers; budget of professional teaching practices commission; appropriating money; amending Minnesota Statutes 1974, Sections 125.183, Subdivisions 1 and 3; 125.184, Subdivision 2; and 125.185, Subdivisions 4, 6 and 8.

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

Page 3, line 14, reinsert the stricken language and strike "may"

Page 3, line 32, underline "Minnesota Statutes 1974, Section 125.185,"

Page 4, line 1, underline "Subdivision 8, is"

Page 4, line 1, strike "amended to read:" and insert "*repealed.*"

Page 4, strike lines 2 to 6 and insert:

"Sec. 7. [APPROPRIATION.] There is appropriated from the general fund of the state treasury to the teacher standards and certification commission the sum of \$100,000 for the biennium ending June 30, 1977 for the purposes of this act."

Further, amend the title as follows:

Page 1, line 5, strike "professional teaching" and insert "teacher standards and certification"

Page 1, line 6, strike "practices"

Page 1, line 6, strike "certification criteria for"

Page 1, line 7, strike "vocational education teachers;"

Page 1, line 8, strike "professional teaching practices" and insert "teacher standards and certification"

Page 1, line 12, strike ", 6"

Page 1, line 12, strike "8." and insert "6; repealing Minnesota Statutes 1974, Section 125.185, Subdivision 8."

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

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

H. F. No. 281: A bill for an act relating to teachers; availability of teacher evaluations and files; amending Minnesota Statutes 1974, Section 125.12, Subdivision 6.

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

Page 2, after line 13, insert:

"Sec. 2. Minnesota Statutes 1974, Section 125.17, Subdivision 12, is amended to read:

Subd. 12. [RECORDS RELATING TO INDIVIDUAL TEACHER, ACCESS.] All evaluations and files generated within a school district relating to each individual teacher shall be available ~~during regular school business hours~~ to each individual teacher upon his written request. *Effective January 1, 1976, all evaluations and files, wherever generated, relating to each individual teacher shall be available to each individual teacher upon his written request.* The teacher shall have the right to reproduce any of the contents of the files at the teacher's expense and to submit for inclusion in the file written information in response to any material contained therein; provided, however, a school district may destroy such files as provided by law."

Further amend the title as follows:

Page 1, line 4, strike "Section" and insert "Sections"

Page 1, line 4, after "6" insert "; and 125.17, Subdivision 12"

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

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

S. F. No. 629: A bill for an act relating to education; providing for the transportation of handicapped persons to licensed daytime activity centers attended by these persons; appropriating money; amending Minnesota Statutes 1974, Section 123.39, by adding a subdivision.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance. Report adopted.

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

S. F. No. 177: A bill for an act relating to public health; health care facilities; certificates of need; amending Minnesota Statutes 1974, Sections 145.72, Subdivisions 2 and 3; 145.76; 145.78; 145.82; Chapter 145, by adding sections; and repealing Minnesota Statutes 1974, Section 145.81.

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

Page 1, line 24, after "facility," and before "which" insert "*involving an expenditure*"

Page 1, line 24, after "which" insert "*, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which*"

Page 2, line 4, after the stricken comma and before the semicolon insert "*and requires a capital expenditure in excess of \$50,000*"

Page 2, line 5, after "facility" and before the period insert "*and requires a capital expenditure in excess of \$50,000*"

Page 2, after line 5, insert:

" "Construction or modification" also means the purchase or acquisition of diagnostic or therapeutic equipment by a doctor, a group of doctors, or a professional corporation of doctors organized pursuant to Minnesota Statutes, Chapter 319A, which

(1) requires a capital expenditure in excess of \$100,000 for any one item of equipment or

(2) requires a total capital expenditure in excess of \$200,000 for two or more items of equipment.

Sec. 3. Minnesota Statutes 1974, Chapter 145, is amended by adding a section to read:

[145.751] The areawide comprehensive health planning agency shall study existing facilities and services in its area and its population and geographical characteristics in order to establish guidelines for the determination of the needs of the area for new facilities and services and for the recommendations of the closing of those which are unnecessary or duplicative. When evaluating proposals and determining its recommendation, the areawide comprehensive health planning agency shall require that all health care facilities share, to the extent feasible, the use of costly technical equipment and services. It shall review any request for special units or equipment costing over \$200,000 in the light of existing facilities in the area as a whole. The facility requesting the equipment must make and show to the agency an analysis of the effect

on the agency's rates and debt financing programs that it is anticipated the acquisition would have over the next three years."

Page 2, line 21, strike "*department*" and restore the stricken language

Page 2, line 25, strike "*department*" and insert "*state board*"

Page 2, line 29, strike "*department*" and insert "*state board*"

Page 2, line 32, strike "*department*" and insert "*state board*"

Page 3, line 17, strike "*department*" and restore the stricken language

Page 4, line 8, strike "*department*" and restore the stricken language

Page 4, line 10, strike "*department*" and restore the stricken language

Page 4, after line 14, insert:

"Sec. 6. Minnesota Statutes 1974, Section 145.80, is amended to read:

145.80 [EXPIRATION OF CERTIFICATE.] A certificate of need shall expire if the construction or modification is not commenced within one year following the issuance of the certificate.

No certificate of need shall be renewed automatically after expiring before the commencement of the construction or modification. Upon expiration of the certificate, the facility shall present an updated proposal and the agency shall redetermine its recommendation."

Page 4, line 17, strike "*department*" and insert "*state board*"

Page 4, line 20, strike "*department*" and insert "*state board*"

Page 4, line 22, strike "*department*" and insert "*state board*"

Page 4, line 30, strike "*department*" and insert "*state board*"

Page 5, line 8, strike "\$100,000"

Page 5, line 8, strike "limitation" and insert "limitations"

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 2, strike "health care facilities;" and insert "changing requirements and procedures for obtaining"

Page 1, line 3, after "need" and before the semicolon insert "for health care facilities"

Page 1, line 5, after "145.78;" insert "145.80;"

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

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

S. F. No. 92: A bill for an act relating to public welfare; medical assistance for the needy; establishing a department lien on certain causes of action accruing to the needy; authorizing the assignment of insurance proceeds and the subrogation to the department of the rights of any recipient of medical assistance having private health care coverage; amending Minnesota Statutes 1974, Chapter 256B, by adding sections.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Chapter 62A, is amended by adding a section to read:

[62A.045] [PAYMENTS TO WELFARE RECIPIENTS.] *No policy of accident and sickness insurance issued or renewed after August 1, 1975, shall contain any provision denying or reducing benefits because services are rendered to an insured or dependent who is eligible for or receiving medical assistance pursuant to chapter 256B.*

Sec. 2. Minnesota Statutes 1974, Chapter 62C, is amended by adding a section to read:

[62C.141] [PAYMENTS TO WELFARE RECIPIENTS.] *After August 1, 1975, no service plan corporation shall deliver, issue for delivery, or renew any subscriber's contract which contains any provision denying or reducing benefits because services are rendered to a subscriber or dependent who is eligible for or receiving medical assistance pursuant to chapter 256B.*

Sec. 3. Minnesota Statutes 1974, Chapter 64A, is amended by adding a section to read:

[64A.221] [PAYMENT TO WELFARE RECIPIENTS.] *After August 1, 1975, no association authorized to do business in this state which provides or pays for any health care benefits shall issue any certificate which contains any provision denying or reducing benefits because services are rendered to a certificate holder or beneficiary who is eligible for or receiving medical assistance pursuant to chapter 256B.*

Sec. 4. Minnesota Statutes 1974, Section 64A.23, is amended to read:

64A.23 [BENEFITS NOT ATTACHABLE.] *Except as provided in chapter 256B, the money or other benefits, charity, relief, or aid to be paid, provided, or rendered by any association authorized to do business under this chapter shall, neither before nor after being paid, be liable to attachment, garnishment, or other process and shall not be seized, taken, appropriated, or applied by any legal or equitable process or operation of laws to pay any debt or liability of a certificate holder or of any beneficiary named in a certificate, or of any person who may have any right thereunder.*

Sec. 5. Minnesota Statutes 1974, Section 393.10, Subdivision 2, is amended to read:

Subd. 2. [PUBLIC WELFARE; MEDICAL ASSISTANCE LIEN.] *Such* The county board or county welfare board may perfect and enforce its lien by following the procedures set forth in sections 514.69, 514.70 and 514.71, except that it shall have 180 days from the date when the last item of medical, surgical or hospital care was furnished in which to file its lien. ~~Provided, however, that no lien pursuant to this section shall be effective as to any payment made prior to the time that the lien is filed.~~

Sec. 6. Minnesota Statutes 1974, Chapter 256B, is amended by adding a section to read:

[256B.042] [THIRD PARTY LIABILITY.] *Subdivision 1. When the state agency provides, pays for or becomes liable for medical care, it shall have a lien for the cost of the care upon any and all causes of action which accrue to the person to whom the care was furnished, or to his legal representatives, as a result of the injuries which necessitated the medical care.*

Subd. 2. The state agency may perfect and enforce its lien by following the procedures set forth in sections 514.69, 514.70 and 514.71, except that it shall have one year from the date when the last item of medical care was furnished in which to file its verified lien statement, and the statement shall be filed with the appropriate clerk of court in the county of financial responsibility. The verified lien statement shall contain the following: the name and address of the person to whom medical care was furnished, the date of injury, the name and address of the vendor or vendors furnishing medical care, the dates of the service, the amount claimed to be due for the care, and, to the best of the state agency's knowledge, the names and addresses of all persons, firms or corporations claimed to be liable for damages arising from the injuries. This section shall not affect the priority of any attorney's lien.

Sec. 7. Minnesota Statutes 1974, Chapter 256B, is amended by adding a section to read:

[256B.37] [PRIVATE INSURANCE POLICIES.] *Subdivision 1. Upon furnishing medical assistance to any person having private health care coverage, the state agency shall be subrogated, to the extent of the cost of medical care furnished, to any rights the person may have under the terms of any private health care coverage. The right of subrogation does not attach to benefits paid or provided under private health care coverage prior to the receipt of written notice of the exercise of subrogation rights by the carrier issuing the health care coverage.*

Subd. 2. To recover under this section, the attorney general, or the appropriate county attorney, acting upon direction from the attorney general, may institute or join a civil action against the carrier of the private health care coverage.

Sec. 8. Minnesota Statutes 1974, Chapter 256B, is amended by adding a section to read:

[256B.39] [AVOIDANCE OF DUPLICATE PAYMENTS.] *Billing statements forwarded to recipients of medical assistance by vendors seeking payment for medical care rendered shall clearly state that reimbursement from the state agency is contemplated.*

Sec. 9. Minnesota Statutes 1974, Section 256B.02, is amended by adding a subdivision to read:

Subd. 9. "Private health care coverage" means any plan regulated by chapters 62A, 62C or 64A. Private health care coverage also includes any self-insurance plan providing health care benefits.

Sec. 10. Minnesota Statutes 1974, Section 256B.06, Subdivision 1, is amended to read:

256B.06 [ELIGIBILITY REQUIREMENTS.] Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not have equity in real property in excess of \$15,000; and

(8) Who, if single, does not have more than \$750 in cash or liquid assets or, if married, whose cash or liquid assets do not exceed \$1,000 plus \$150 for each additional legal dependent; and

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family members (man and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application (or during the three months prior to the month of application) incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. In such excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred.

Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case-eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, both excess income and income over and above that required for justified needs are to be applied to the cost of institutional care; and

(10) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from health and accident insurance policies private health care coverage on to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under private health care coverage prior to receipt of the assignment by the person or organization providing the benefits."

Amend the title as follows:

Page 1, line 2, strike "medical assistance for"

Page 1, line 3, strike "the needy;"

Page 1, line 3, strike "department"

Page 1, line 4, strike "the needy" and insert "recipients of medical assistance"

Page 1, line 6, strike "department" and insert "commissioner of public welfare"

Page 1, line 9, strike "Chapter" and insert "Chapters 62A, by adding a section; 62C, by adding a section; 64A, by adding a section;"

Page 1, line 10, before the period, insert "; and Sections 64A.23; 256B.02, by adding a subdivision; 256B.06, Subdivision 1; and 393.10, Subdivision 2"

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

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

S. F. No. 451: A bill for an act relating to natural resources; raising limitations on values of timber which may be sold by informal sale; altering certain sale procedures; amending Minnesota Statutes 1974, Sections 90.101; and 90.191, Subdivision 1.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 90.02, is amended to read:

90.02 [CITATION, STATEMENT OF POLICY.] This chapter may be cited as the state timber act.

It is the intent and desire of the Minnesota legislature to provide equal opportunity for all segments of our society to participate in the sale process; and attempt to prevent the purchase or acquisition of excessive volumes of the state's timber resources by any one individual or corporation.

The department of natural resources is directed to enact regulations to reach this objective; including provision for sale of all timber species by both the informal and the auction sale method; and maintaining reasonable proportions of volume in each method of sale.

Sec. 2. Minnesota Statutes 1974, Section 90.101, is amended to read:

90.101 [TIMBER SOLD AT PUBLIC AUCTION, MAXIMUM LOTS OF \$7,500.] Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding ~~\$15,000~~ \$7,500 in appraised value and may determine the number of sections or fractional sections of land to be covered by any one permit issued to the purchaser of timber on state lands, or in any one contract or other instrument relating thereto. No timber shall be sold, except to the highest bidder at public auction, and the minimum price shall be the appraised value as fixed by the report of the state appraiser. All sales shall be held in the county in which the tract is located and *no sale shall be held in more than one location on any one day.*

Subd. 2. At least 30 days before the date of sale the commissioner shall compile a list containing a description of each tract of land upon which any timber to be offered is situated and a statement of the quantity of timber and of the appraised price of each kind of timber thereon as shown by the report of the state appraiser. The commissioner may also list the quantity of timber of doubtful market value and the appraised price of each kind of such timber located in other timber types within the sale area that may be cut at the discretion of the purchaser. Optional timber will not be considered a part of the sale contract until the permit holder has advised the commissioner of his intent to cut such timber. No description shall be added after the list is posted as herein provided and no timber shall be sold from land not described therein. Copies of the list shall be furnished to all interested applicants. A copy of the list shall be conspicuously posted in the office of the commissioner and in the office of the auditor of the county in which the lands are situated at least 30 days prior to the date of sale, and extra copies of the list shall be furnished to the county auditor for distribution to applicants. The commissioner shall cause ~~the list~~ a notice to be published for three consecutive weeks in a legal newspaper in the county where the land is situated. *The notice shall state the time and place of the sale and the location*

at which further information regarding the sale may be obtained. He may give such other published or posted notice as he deems proper to reach prospective bidders.

Subd. 3. There can be a maximum of three such sales as authorized by this section in any one year in any one county.

Sec. 3. Minnesota Statutes 1974, Section 90.151, Subdivision 1, is amended to read:

90.151 [PERMITS TO CUT AND REMOVE TIMBER SOLD AT PUBLIC AUCTION.] Subdivision 1. Following receipt of the down payment for state timber sold at public auction, the commissioner shall issue a numbered permit to the purchaser, in a form approved by the attorney general, by the terms of which he shall be authorized to enter upon the land, and to cut and remove the timber therein described, according to the provisions of this chapter. The permit shall be correctly dated and executed by the commissioner or his agent and signed by the purchaser. The permit shall ~~cover one or more logging seasons~~ *expire no later than two years after the date of sale* as the commissioner shall specify, and the timber shall be cut within the time specified therein. All cut timber, equipment, and buildings not removed from the land within 90 days after expiration of the permit shall become the property of the state. The commissioner may grant an additional period of time not to exceed 120 days for the removal of cut timber, equipment, and buildings upon receipt of such request by the permit holder for good and sufficient reasons. No permit shall be issued to any person other than the purchaser in whose name the bid was made.

Sec. 4. Minnesota Statutes 1974, Section 90.151, Subdivision 13, is amended to read:

Subd. 13. The commissioner may grant extensions of timber permits and contracts, whether issued before or after July 1, 1967, for such periods as the commissioner deems advisable, ~~not to~~ *provided that such extension shall not exceed a total of ten three* years from date of issuance, ~~but otherwise and shall be~~ subject to all the provisions of chapter 90. The commissioner shall include in each extension a condition that the purchaser shall pay to the state interest at the rate of six percent of the unpaid purchase price for each year of such extension or portion thereof to the date of the seasonal scale report of products cut as computed on the sale price of the timber cut, or if not cut, upon the official estimate thereof; however, the purchaser is not required to pay interest totaling \$1 or less.

Sec. 5. Minnesota Statutes 1974, Section 90.191, Subdivision 1, is amended to read:

90.191 [INFORMAL SALES OF STATE TIMBER.] Subdivision 1. The commissioner may sell the timber on any tract of state land in lots not exceeding ~~\$500~~ *\$1,500* in appraised value, without formalities but for not less than the full appraised value thereof, to any individual. No sale shall be made under this section to any person holding two permits issued hereunder which are still in effect.

Before issuing a permit or contract under this section the purchaser shall file an affidavit with the commissioner stating under oath, that if the permit is issued the purchaser will not hold more than two permits which are in effect.

Sec. 6. Minnesota Statutes 1974, Chapter 90, is amended by adding a section to read:

[90.172] [ANNUAL REPORT.] *The commissioner shall file an annual report on or before September 30 of each year with the legislative reference library providing detailed information on all auctions and informal sales made in the previous fiscal year. The report shall include but not be limited to the names and addresses of all purchasers, volumes of timber purchased, species, appraised value and sale price. The commissioner shall make copies of the report available to the public upon request.*

Sec. 7. [EFFECTIVE DATE.] *This act is effective the day following its final enactment."*

Further amend the title as follows:

Page 1, line 4, after "sale;" insert "reducing the value of timber which may be sold at auction;"

Page 1, line 5 after "1974," insert "Chapter 90, by adding a section;"

Page 1, line 5 after "Sections" insert "90.02;"

Page 1, line 5 after ";" insert "90.151, Subdivisions 1 and 13;"

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

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

S. F. No. 1299: A bill for an act relating to education; fluctuating school enrollments; providing for study by an advisory commission; appropriating money; repealing Laws 1974, Chapter 355, Section 68, Subdivision 4.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S. F. No. 1206: A bill for an act relating to state parks; exempting senior citizens from payment of certain fees; amending Minnesota Statutes 1974, Section 85.05, Subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Moe from the Committee on Natural Resources and Agriculture, to which was re-referred

H. F. No. 641: A bill for an act relating to state lands; authorizing the conveyance of certain state conservation area lands in Roseau County to Nordland Free Lutheran church; amending Laws 1974, Chapter 141, Section 1.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

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

S. F. No. 997: A bill for an act relating to state lands; conveyance; authorizing the conveyance by the state of certain lands in the county of Otter Tail.

Reports the same back with the recommendation that the bill do pass and be placed on the Calendar of Ordinary Matters. Report adopted.

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

S. F. No. 806: A bill for an act relating to control of noxious weeds; authorizing towns to control noxious weed growth on state lands; providing reimbursement of certain expenses incurred to control weeds on state lands.

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

Page 1, line 9, after "weeds" insert "as defined in Minnesota Statutes 1974, Section 18.171, Subdivision 5,"

Page 1, line 12, after "the" insert "noxious"

Page 1, line 12, strike "30" and insert "20"

Page 1, line 13, after "the" insert "noxious"

Page 1, line 15, after "control" insert "noxious"

Page 1, line 16, strike "upon demand"

Page 1, line 17, after "land" strike "for" and insert "upon documented proof of"

Page 1, line 19, after the period, insert: "Each request for reimbursement shall first be approved by the department of agriculture."

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

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

S. F. No. 1030: A bill for an act relating to pollution control; authorizing a county solid waste grants-in-aid program; appropriating money; amending Minnesota Statutes 1974, Sections 116.06,

Subdivision 1; and 400.03, Subdivision 1; and Chapter 116, by adding sections.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S. F. No. 1142: A bill for an act relating to state parks; prohibiting littering; providing a penalty; amending Minnesota Statutes 1974, Section 85.20, by adding a subdivision.

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

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

S. F. No. 1099: A bill for an act relating to counties; publicly owned and tax forfeited lands; providing payments in lieu of taxes to counties in which such lands are located; appropriating money.

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

Page 2, line 13, strike "of each year on which they are based" and insert ", 1975 and December 31, 1976"

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

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

S. F. No. 783: A bill for an act relating to agriculture; providing for a state farm census; appropriating money; amending Minnesota Statutes 1974, Section 17.03, Subdivision 2.

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

Page 2, lines 3 through 9, strike the new language

Page 2, line 12, strike "\$99,800" and insert "\$29,800"

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

Mr. Hughes from the Committee on Education, to which were referred the following appointments as reported in the Journal for January 16, 1975:

EDUCATION COMMISSION

Howard Casmey
Richard Hawk
Ruth Myers
Dr. Karl Grittner

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Hughes moved that the foregoing committee report be laid on the table. The motion prevailed.

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

S. F. No. 671: A bill for an act relating to Voyageurs National Park; establishing and empowering an advisory committee thereon.

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

Page 1, line 6, strike "The governor shall appoint" and insert "There is created"

Page 1, after line 8, insert "Nine members appointed by the governor to include:"

Page 1, line 9, strike the semicolon and insert a comma

Page 1, line 10, strike the semicolon and insert a comma

Page 1, line 11, after "large" insert "from outside Koochiching and St. Louis counties"

Page 1, line 12, after "senate" insert "appointed by the committee on committees"

Page 1, line 13, after "representatives" insert "appointed by the speaker"

Page 1, line 15, after "chairman" insert "and the committee may elect such other officers as it deems necessary"

Page 1, line 19, after "Members" and before "shall" insert ", other than legislative members,"

Page 1, lines 19 and 20, strike "serve without compensation but" and insert "receive \$35 per diem for attendance at committee meetings and"

Page 2, line 3, strike "all"

Page 2, line 6, after "federal" insert "and state"

Page 2, after line 15, insert:

"Subd. 3. Such moneys as may be appropriated to provide the payments as prescribed by this act shall be appropriated to the commissioner of administration."

Amend the title as follows:

Page 1, line 3, strike "an advisory" and insert "a citizen's"

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

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

S. F. No. 1101: A bill for an act relating to acquisition of land for natural resources purposes; specifying procedure to be followed.

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

Page 2, line 10, strike "appraisal" and insert "series of appraisals"

Page 2, after line 10, insert:

"Sec. 2. [85.021] [ACQUISITION OF LAND, MINNESOTA VALLEY TRAIL.] Subdivision 1. [ACQUISITION OF ENTIRE TRACT.] Whenever the commissioner of administration determines that it is necessary to acquire any interest in a part of a tract or parcel of real estate for purposes of the Minnesota valley trail, he may acquire in fee the whole or any additional parts of the tract or parcel that he deems to be in the best interests of the state.

Subd. 2. [CONVEYANCE OF EXCESS.] Within one year after acquiring excess real estate pursuant to subdivision 1, the commissioner of administration shall notify the governor that the excess real estate is available for sale. The commissioner shall then publish notice of sale for three successive weeks in a newspaper of general circulation in the territory from which bids are likely to be received. After receipt of sealed bids, and upon recommendation of the commissioner of administration, the governor shall convey the excess real estate by quitclaim deed in a form approved by the attorney general in the name of the state to the highest responsible bidder. The deed may contain restrictive clauses limiting the use of the real estate in the interest of preserving the integrity of the trail when the commissioner finds that the restrictions are reasonably necessary.

Subd. 3. [LEASING.] The commissioner may lease for the term between the acquisition and sale thereof and for a fair rental rate and upon terms and conditions that he deems proper, any excess real estate acquired under the provisions of this section and any real estate acquired in fee for natural resources purposes and not presently needed therefor. All rents received from the leases shall be paid into the state treasury."

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

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

S. F. No. 916: A bill for an act relating to historic sites; providing for acquisition, administration and control of additional sites by the Minnesota historical society; appropriating money; amending Minnesota Statutes 1974, Section 138.025, by adding subdivisions.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 138.025, Subdivision 1, is amended to read:

138.025 [TRANSFER OF CONTROL OF CERTAIN HISTORIC SITES.] Subdivision 1. [AUTHORITY.] The authority of the department *commissioner* of natural resources and its *division of parks and recreation*, or any successor thereto, to administer and control the historic sites enumerated in this section is withdrawn, and is hereby conferred upon the Minnesota historical society. The society shall exercise the general administration and control of such sites, preserve their historic features, conduct archaeological investigations, establish necessary interpretive centers, and perform such additional duties and services at such sites as may be deemed necessary and beneficial to such sites. *The commissioner of natural resources shall continue to administer and control the state parks enumerated in this section excepting the portions thereof designated as historic sites, the administration and control of which is by this section vested in the Minnesota historical society. The Minnesota historical society may contract with existing state departments and agencies for such materials and services, including utility services, as may be necessary for the administration and maintenance of the sites listed in this section.*

Sec. 2. Minnesota Statutes 1974, Section 138.025, is amended by adding a subdivision to read:

Subd. 9. [SPLIT ROCK LIGHTHOUSE STATE PARK.] *In accordance with the terms and provisions of this section, the Minnesota historical society shall administer and control the historic site within the Split Rock Lighthouse state park in Lake county and described as follows:*

That part of Government lot 3, Section 33, and Government lot 1, Section 32, Township 55 North, Range 8 West, fourth principal meridian, Lake county, comprising the historic Split Rock Light House tract as originally conveyed to the state of Minnesota by the federal government and containing 7.6 acres more or less.

Sec. 3. Minnesota Statutes 1974, Section 138.025, is amended by adding a subdivision to read:

Subd. 10. [BIRCH COULEE BATTLEFIELD STATE HISTORIC SITE.] *In accordance with the terms and provisions of this section and the laws relating to Birch Coulee state park, the Minnesota historical society shall administer and control the historic site comprising the Birch Coulee state park in Renville county and described as follows:*

The NE 1/4 of the SE 1/4, Section 19, and the NW 1/4 of the SW 1/4, Section 20, Township 113, North, Range 34 West, fifth principal meridian, Renville county, Minnesota and containing 80 acres.

Birch Coulee state park is renamed Birch Coulee battlefield state historic site.

Sec. 4. Minnesota Statutes 1974, Section 138.025, is amended by adding a subdivision to read:

Subd. 11. [FORT SNELLING OFFICERS' ROW.] The commissioner of natural resources may contract with the Minnesota historical society for the purpose of preserving the historic homes along Taylor avenue, Fort Snelling, known as "Officers' Row" and the annex building, buildings numbered 151 to 161.

The Minnesota historical society may contract with state departments, agencies, public and private organizations and individuals for occupancy of the "Officers' Row" homes, provided the occupancy conforms to rules and regulations set down by the Minnesota historical society.

It is in the public interest of the people of Minnesota to further the preservation of this historic area.

Sec. 5. Minnesota Statutes 1974, Section 138.53, Subdivision 50, is amended to read:

Subd. 50. Birch Coulee, owned by the state, is in Renville county and is located within the boundaries of Birch Coulee State Park battlefield state historic site.

Sec. 6. [APPROPRIATION.] *The sum of \$260,000 is appropriated from the general fund to the Minnesota state historical society for the biennium ending June 30, 1977 to carry out the purposes of this act.*

Sec. 7. [REPEALER.] *Minnesota Statutes 1974, Sections 85.012, Subdivision 7, and 138.025, Subdivisions 7 and 8 are repealed."*

Amend the title as follows:

Line 6, after "1974," strike "Section" and insert "Sections"

Line 6, after "138.025," insert "Subdivision 1, and "

Line 7, after "subdivisions" insert "; and 138.53, Subdivision 50; repealing Minnesota Statutes 1974, Sections 85.012, Subdivision 7; and 138.025, Subdivisions 7 and 8"

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

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

S. F. No. 559: A bill for an act relating to public health; providing state aid for purification of municipal water supplies; authorizing the issuance of general obligation bonds of the state for the acquisition and betterment of water purification systems; appropriating money; amending Minnesota Statutes 1974, Sections 116.16, Subdivisions 1 and 2; and 116.18 by adding subdivisions.

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

Strike everything after the enacting clause and insert:

"Section 1. [PURPOSE.] The legislature determines that an emergency situation may exist pertaining to the drinking water of communities using Lake Superior as a source, and in order to protect the health, safety and welfare of residents of the state from the pollution which has been found to occur in Lake Superior as a result of the discharge of taconite tailings under permits granted by the state, it is necessary for the state to provide financial assistance to municipalities using Lake Superior as a source of water supply, for the purpose of enabling them to acquire and construct water purification systems.

Sec. 2. In accord with the above determination the Minnesota state board of health is directed to establish a grant program for the construction of water filtration and purification systems for those communities using Lake Superior as a drinking water source. This program shall include the disbursement of funds hereinafter described for the construction of such facilities, the creation of guidelines designed to assure that such funds will be disbursed in accord with the purposes of this act, the continued surveillance of the effectiveness of constructed facilities in cooperation with other related state agencies, and such other duties of administration as may be necessary to accomplish the purposes of this act.

Sec. 3. A Lake Superior water filtration and purification fund is created as a separate bookkeeping account in the general books of account of the state, to record receipts of the proceeds of moneys appropriated to the fund and disbursements of money appropriated from the fund to municipalities for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention, control and abatement of water pollution in accordance with the declaration of purpose contained in section 1 of this act. It is determined that state financial assistance for the construction of water filtration and purification facilities as may be needed to fulfill purposes of this act is a public purpose and a proper function of state government.

Sec. 4. Definitions for the purposes of Sections 1 to 6 of this act are as follows:

(1) "Agency" means the Minnesota state board of health.

(2) "Municipality" means any city or any other governmental subdivision having the power or duty to provide drinking water to cities of this state and using Lake Superior as the source of such drinking water.

(3) "Eligible cost" as defined by this act shall include all costs incurred by a municipality including acquisition of necessary real and personal property, engineering, system cleaning, construction, alteration, improvements, inspection, supervision of construction and all other costs related to the construction and establishment of a permanent water filtration or purification system. Such costs shall be eligible even if incurred prior to the effective date of this act.

(4) "Municipal water purification system" shall include all properties, real or personal, determined by a municipality and the

state to be necessary for the elimination of polluting or potentially injurious substances from water used for municipal water supply purposes.

Sec. 5. The sum of \$2,500,000 is appropriated from the state treasury general fund to the fund created in section 3 of this act to be granted and disbursed to municipalities in accordance with the purposes of this act. Grants shall be made in accordance with the guidelines created under authority of section 2 of this act and shall not exceed 33 percent of the eligible project cost as hereinbefore defined.

Sec. 6. Any recipient of financial assistance shall either pursue its remedies under the permits granted to the discharges or shall subrogate to the state those remedies for purposes of obtaining reimbursement of the state funds expended for the purposes of this act. The board of health shall at the time of any disbursement of funds under this act enter into necessary agreements for such reimbursement.

Sec. 7. This act is effective upon final enactment."

Amend the title as follows:

Line 3, after the semicolon insert "appropriating money."

Strike lines 4 through 9

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

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

H. F. No. 1110: A bill for an act relating to the operation of state government for the fiscal year ending June 30, 1975; appropriating money therefor.

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

Page 1, strike line 15

Page 1, line 16, strike "(c)" and insert "(b)"

Page 2, line 5, strike "105,980" and insert "87,000"

Page 2, line 19, strike "478,372" and insert "388,372"

Page 3, line 1, strike "108" and insert "116"

Page 3, after line 5, insert a line to read

"weigh scale labor 22,000"

Page 3, line 6, strike "This sum is" and insert "These sums are"

Page 3, after line 7, insert

"Subd. 15. To the office of public defender, civil legal assistance to Minnesota prisoners 16,832

Subd. 16. Supreme and district court judges retirement payments 200,000"

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

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

S. F. No. 719: A bill for an act relating to state government; creating a department of transportation; prescribing its duties and responsibilities; transferring the functions of some state departments; appropriating money; repealing Minnesota Statutes 1974, Sections 4.20; 161.03; and 360.014.

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

Strike everything after the enacting clause and insert:

"Section 1. [DEPARTMENT OF TRANSPORTATION; POLICY.] *In order to provide an adequate, economical, safe, efficient and convenient transportation system, including aeronautics, highways, ports, public transit conveyances, railroads and pipelines, for the general welfare of all the citizens of Minnesota, the state department of transportation is created. The department shall be the principal agency of the state for development, implementation, administration, consolidation, and coordination of state transportation policies, plans and programs.*

Sec. 2. [COMMISSIONER OF TRANSPORTATION; POWERS; DUTIES.] *Subdivision 1. [APPOINTMENT.] The department is under the supervision and control of the commissioner of transportation, who shall be appointed by the governor with the advice and consent of the senate, for a four year term which shall coincide with the term of the governor and until his successor is appointed and qualified. The governor may remove the commissioner at his pleasure.*

Subd. 2. [UNCLASSIFIED POSITIONS.] The commissioner may establish four positions in the unclassified service. Such positions shall be limited to the deputy and assistant commissioner or director levels.

Subd. 3. [DEPARTMENTAL ORGANIZATION.] The commissioner shall organize the department, giving full consideration to all modes of transportation, and employ such employees as he deems necessary to discharge the functions of the department and may delegate to them any of his duties and responsibilities under such conditions as he may prescribe. In the initial organization of the department the commissioner shall designate an organizational steering committee consisting of representatives from the departments of administration, aeronautics, highways, public service and the state planning agency to assist him in the initial organization of the department.

Subd. 4. [APPEARANCES IN PUBLIC TRANSPORTATION MATTERS.] The commissioner may appear as a party on behalf of the public in any proceeding or matter before the public service com-

mission, the interstate commerce commission, the civil aeronautics board or any other agency or instrumentality of government which regulates public services and rates to be charged concerning transportation and other matters related to the powers and responsibilities of the commissioner as defined in this act.

Subd. 5. [COOPERATION.] To facilitate the development of a unified and coordinated intrastate and interstate transportation system:

(a) The commissioner shall maintain close liaison, coordination and cooperation with the private sectors of transportation, the upper great lakes seaway development commission corporation, and any multi-state organization involved in transportation issues affecting the state;

(b) The commissioner shall participate in the planning, regulation and development of the port authorities of the state; and

(c) The commissioner or his designee shall be a nonvoting, ex officio member of the metropolitan airports commission, as organized and established under Laws 1975, Chapter 13, Sections 94 to 125.

Sec. 3. [DEPARTMENT OF TRANSPORTATION; DUTIES.] Subdivision 1. [DUTIES.] The department shall:

(a) In cooperation with the metropolitan council, regional development commissions and local units of government, develop, revise, and monitor a state comprehensive multi-modal transportation plan giving full consideration to all relevant factors, including existing and planned transportation systems, transportation safety, existing and planned land use, transportation funding and the social, economic and environmental effects of these factors;

(b) Develop transportation priorities consistent with state goals, objectives and policies and in full consideration of policy plans described in subdivision 2;

(c) Program authorized capital improvement and other authorized transportation expenditures, based upon priorities established in subdivision 1(b);

(d) Construct and maintain transportation facilities as authorized;

(e) Cooperate with, and provide technical and financial assistance to, the metropolitan council and regional development commissions in the regional transportation planning process;

(f) Provide planning and technical assistance upon the request of any political subdivision or other governmental agency in accordance with mutually agreed upon terms and conditions; and

(g) Report to the governor and the legislature on January 1, 1977, with recommendations concerning the advisability of a state financial aid program designed to preserve railroad service. If a state financial aid program is recommended, an implementation process shall be included.

Subd. 2. [REGIONAL TRANSPORTATION PLANNING.] In cooperation with the department and local units of government, regional development commissions and the metropolitan council shall develop regional long-range comprehensive transportation policy plans.

Subd. 3. [ECONOMIC, SOCIAL, AND ENVIRONMENTAL EFFECTS.] The department shall, in the performance of its responsibilities, consider the social, economic and environmental effects resulting from existing and proposed transportation facilities and make continuing efforts to mitigate any adverse effects. The department shall utilize a systematic, interdisciplinary approach which shall insure the integrated use of the natural, social and physical sciences and the environmental design arts in plans and decisions which may affect the environment.

Subd. 4. [SALARIES AND EXPENSES.] The department shall pay salaries and expenses only from such moneys as are permitted by law. The funds provided in Minnesota Statutes, Sections 360.011 to 360.076 and 360.301 to 360.91 shall be expended by the commissioner of transportation in accordance with the purposes prescribed in those sections. The funds appropriated pursuant to the authority of any constitutional article shall be expended in conformity with the purposes and uses authorized thereby.

Sec. 4. [FEDERAL ASSISTANCE; APPLICATION; DISBURSEMENT.] Subdivision 1. [APPROVAL OF APPLICATION.] Any regional development commission, metropolitan council, public transit commission, airport commission, port authority or other political subdivision of the state, submitting an application for financial assistance for transportation planning, capital expenditures, or operations to any federal transportation agency, shall first submit the application to the commissioner for review and comment, to assure conformity with state policies, plans and programs.

Subd. 2. [DESIGNATED AGENT.] A regional development commission, metropolitan council, public transit commission, airport commission, port authority, or any other political subdivision of the state may designate the commissioner as its agent to receive and disburse the funds as described in subdivision 1 by entering into an agreement with the commissioner prescribing the terms and conditions of the receipt and expenditure of the funds in accordance with federal laws and regulations and applicable state laws.

Subd. 3. The provisions of this section shall not be construed as altering or amending in any way the provisions of Minnesota Statutes, Sections 360.016, 360.0161 or 161.36.

Sec. 5. [POLLUTION CONTROL AGENCY; REGULATIONS AND STANDARDS.] Subdivision 1. [NOTIFICATION BY POLLUTION CONTROL AGENCY.] The director of the pollution control agency shall inform the commissioner of all activities of the pollution control agency which relate to the adoption, revision or rescission of any standards or regulations concerning transportation, pursuant to Minnesota Statutes, Section 116.07. Upon notification the commissioner shall participate in those activities. Participation may include, but is not limited to, access to all pertinent information collected or compiled by the pollution control agency and the provision to the pollution control agency of information and expert opinions concerning the ability of affected modes of transportation to accomplish the desired objectives and the impact that alternative methods of attaining those objectives would have on present or planned transportation systems in the state.

Subd. 2. [COMMISSIONER TO SUBMIT REVIEW OF PROPOSED RULES.] *Prior to public hearings on any transportation rule proposed by the pollution control agency, the commissioner shall submit a written review of those rules, including an analysis of their impact upon the state's transportation systems, and may propose alternative regulations or standards. This report shall be made part of the record of the hearing.*

Subd. 3. [REPORT BY POLLUTION CONTROL AGENCY.] *Upon the adoption, revision or repeal of a transportation rule the director of the pollution control agency shall publish a written report of the manner in which the adopted rule reflects consideration of the factors required by Minnesota Statutes, Section 116.07, Subdivision 6, and the specific issues raised in the commissioner's report.*

Sec. 6. [TRANSFER OF POWERS.] Subdivision 1. [DEPARTMENT OF HIGHWAYS.] *All powers, duties and functions now vested in or imposed upon the commissioner of highways or the department of highways by Minnesota Statutes, Chapters 160, 161, 162, 163, 164, 165, 167, 169, 173, and Laws 1975, Chapter 13, Sections 52 to 75 and any other laws relating to the duties and powers of the commissioner of highways are transferred to, vested in, and imposed upon the commissioner of transportation. The position of the commissioner of highways and the department of highways as heretofore constituted are abolished.*

All the powers and duties now vested in or imposed upon the commissioner of highways as a member of a board or a commission are transferred to, vested in, and imposed upon the commissioner of transportation.

Subd. 2. [DEPARTMENT OF AERONAUTICS.] *All powers, duties, and functions now vested in or imposed upon the commissioner of aeronautics or the department of aeronautics by Minnesota Statutes, Sections 360.011 to 360.076 and 360.301 to 360.73 and 360.81 to 360.91 and any other laws relating to the duties and powers of the commissioner of aeronautics are transferred to, vested in, and imposed upon the commissioner of transportation. The position of the commissioner of aeronautics and the department of aeronautics as heretofore constituted are abolished.*

All powers and duties now vested in or imposed upon the commissioner of aeronautics as a member of a board or a commission are transferred to, vested in, and imposed upon the commissioner of transportation.

Subd. 3. [DEPARTMENT OF PUBLIC SERVICE.] *All powers, duties and functions now vested in or imposed upon the department of public service, the public service commission or the director of the department of public service by Minnesota Statutes, Sections 216A.10 to 216A.13 are transferred to, vested in, and imposed upon the commissioner of transportation.*

Subd. 4. [STATE PUBLIC TRANSIT FINANCIAL ASSISTANCE.] *All duties and responsibilities assigned to the state planning agency under Laws 1974, Chapter 534, are transferred to the department of transportation.*

Subd. 5. [TRANSFER APPROVAL OF COMMISSIONER OF ADMINISTRATION.] Any and all transfers of department of public service personnel, records and funds to the department of transportation, pursuant to the provisions of this act, shall be subject to the approval of the commissioner of administration.

Subd. 6. [EFFECT OF TRANSFERS TO THE DEPARTMENT OF TRANSPORTATION.] (a) The department of transportation shall be deemed a continuation of the former department or agency as to matters within the jurisdiction of the former department or agency, which are assigned or transferred to the department by this act, with the same force and effect as though the functions, powers and duties had not been assigned or transferred, and shall not be held to constitute a new authority for the purpose of succession to all rights, powers, duties and obligations of the former department or agency, as constituted at the time of the assignment or transfer.

(b) Any proceeding, court action, prosecution, or other business or matter undertaken or commenced prior to, and pending at the time of, the passage of this act by a department or agency, whose functions, powers and duties are transferred to the department of transportation by this act, may be conducted and completed by the department of transportation in the same manner, under the same terms and conditions, and with the same effect as though it were undertaken or commenced and conducted or completed by the former department or agency prior to the transfer.

(c) Except as otherwise provided in this act, the head of a department or agency whose functions, powers and duties are transferred to the department of transportation by this act shall transfer all contracts, books, maps, plans, papers, records, and property of every description within his jurisdiction or control to the commissioner of transportation. The commissioner shall receive from the public service department all documents, records and papers necessary to perform his duties. The interdepartmental task force of transportation shall also be governed by this provision.

(d) All unexpended funds appropriated to any department, or agency for the purposes of any of its functions, powers, or duties which are transferred by this act to the department of transportation are hereby transferred to the department of transportation. When the functions, powers and duties that are affected by this act are the responsibility of the department of transportation and another department or agency, the commissioner of administration shall allocate any unexpended appropriation to the department or agency between the department of transportation and the other departments or agencies affected.

(e) Except as otherwise provided in this act, all persons employed in the classified service by a department or agency to perform any of the functions, powers or duties, which are transferred by this act to the department of transportation, are transferred to the department. The positions of all persons who are employed in the unclassified service by a department or agency to perform any of the functions, powers or duties, which are transferred by this act to the department,

are abolished. Any person in the unclassified civil service whose employment position is abolished by this act and who is not appointed to an unclassified position authorized by this act may be otherwise continued in the unclassified service in the department of transportation, but for a period not to exceed 12 months from the date on which the department commences operation. Any unclassified position created for such purpose shall not be included in those authorized by section 2, subdivision 2, or section 8 of this act.

Sec. 7. [REVISOR OF STATUTES; TERMINOLOGY CHANGES.] *In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall make the necessary changes in terminology to record the functions, powers and duties which are transferred by this act from a department or agency to the department of transportation.*

Sec. 8. Minnesota Statutes 1974, Section 43.09, Subdivision 2a. is amended to read:

Subd. 2a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Notwithstanding any other law to the contrary, the personnel board, upon the request of the governor, is hereby authorized to establish permanent unclassified positions, or to unclassify previously classified positions, provided that:

(1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the governor, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause (3).

(2) Classified incumbents of such positions, if any, are not removed from that position for a period of one year except under applicable provisions of rules and laws governing classified state employees.

(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive civil service status and, upon his request, the commissioner of personnel shall reappoint him to his previous classified position, or to a comparable position.

(4) Positions so established are limited in number to six in the departments of administration, corrections, finance, highways, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, education, health, labor and industry, and personnel; to four in the departments of agriculture, economic development, transportation, and employment services; to three in the departments department of aeronautics, public service, and the planning agency, and pollution control agency; and to two in the departments of human rights and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(5) Funds are available.

Sec. 9. Minnesota Statutes 1974, Section 360.017, Subdivision 1, is amended to read:

360.017 [STATE AIRPORTS FUND.] Subdivision 1. [CREATION.] There is hereby created a fund to be known as the state airports fund. Such fund shall consist of all moneys appropriated to it, or directed to be paid into it, by the legislature. The state airports fund shall be paid out on authorization of the commissioner and shall be used to acquire, construct, improve, maintain, and operate airports and other air navigation facilities and to assist municipalities in the acquisition, construction, improvement, and maintenance of airports and other air navigation facilities. *The state airports fund shall also be used to pay salaries and expenses in the department of transportation related to aeronautic planning, administration and operation.*

Sec. 10. [APPROPRIATION.] *There is hereby appropriated \$150,000 from the general fund to the commissioner of transportation to be available to him upon appointment to organize the department and to initiate the study as defined in section 3, subdivision 1(g). This appropriation shall not cancel at the end of the fiscal year but is reappropriated for the next fiscal year.*

Sec. 11. [REPEAL.] *Minnesota Statutes 1974, Sections 4.20; 161.02; 161.03; and 360.014 are repealed.*

Sec. 12. [EFFECTIVE DATE.] *This act is effective upon the appointment of the commissioner. Former departments or agencies shall continue to exercise their functions, powers and duties which are transferred by this act until the commissioner notifies the commissioner of administration that the department of transportation is ready to commence operation.*

Further amend the title as follows:

Page 1, line 6, after "money;" insert "amending Minnesota Statutes 1974, Sections 43.09, Subdivision 2a; and 360.017, Subdivision 1;"

Page 1, line 7, after "4.20;" insert "161.02;"

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

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

S. F. No. 625: A bill for an act relating to crimes; regulating the transfer, possession, and use of pistols; requiring licenses to sell pistols; requiring permits to acquire and carry pistols; prohibiting the sale or transfer to or carrying by certain persons of pistols; prescribing penalties.

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

Page 1, line 9, strike "16" and insert "15"

Page 1, line 12, strike "16" and insert "15"

Page 1, line 13, strike "Nothing herein" and insert "It is not the intent of the legislature"

Page 1, line 14, strike "shall be construed"

Page 1, line 16, strike "nor" and insert ", or"

Page 1, line 18, before the period, insert ", or to confiscate or otherwise restrict the use of pistols by law-abiding citizens"

Page 1, line 20, strike "16" and insert "15"

Page 1, line 22, strike "originally"

Page 2, line 1, after "inches" insert "in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle"

Page 4, line 28, after the period, insert "At the time of application, the commissioner shall provide the applicant with a dated receipt for the application."

Page 5, line 4, before the period, insert "and the specific reason for the disapproval"

Page 5, line 28, after "rights" insert "or the sentence has expired, whichever occurs first,"

Page 6, line 14, strike "or marijuana" and insert "other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16"

Page 6, line 21, after "he" strike the remainder of the line and insert "has not abused a controlled substance or marijuana during the previous two years;"

Page 6, line 22, strike "disability;"

Page 6, line 23, strike "is an alcoholic or habitual drunkard,"

Page 6, line 24, strike "or who"

Page 6, line 31, strike "is no" and insert "has not abused alcohol during the previous two years. A person who issues a certificate pursuant to this subdivision in good faith shall not be liable for damages in an action arising out of the issuance."

Page 6, strike line 32

Page 7, line 1, strike "or with reason to know"

Page 7, line 20, after the period, insert "At the time of application, the local police authority shall provide the applicant with a dated receipt for the application."

Page 8, line 11, after the period, insert "The local police authority shall provide an applicant with written notification of a denial and the specific reason for the denial."

Page 11, line 5, after the period, insert "A person who has been issued a permit and who engages in activities other than those for which the permit has been issued, is guilty of a misdemeanor."

Page 11, line 16, after the period, insert "The local police authority shall provide an applicant with written notification of a denial and the specific reason for the denial."

Page 11, line 18, after the period, insert "The permit shall specify the activities for which it shall be valid."

Page 12, line 28, after the period, insert "If a vehicle does not have an enclosed area other than the driver or passenger area, the pistol may be carried in the driver or passenger area as long as the pistol is unloaded and contained in a closed and fastened case, gunbox, or securely tied package."

Page 12, line 32, strike the headnote and insert "[NO LIMIT ON NUMBER OF PISTOLS.]"

Page 13, line 23, after "pistols" insert "or replicas thereof"

Page 14, line 3, strike "he knows or has reason to know"

Page 14, line 4, after "defaced" insert "with intent to prevent identification or tracing of the pistol"

Pages 14 and 15, strike section 15

Renumber the sections in sequence

Page 15, line 2, strike "15" and insert "14"

Page 15, line 3, strike "not"

Page 15, line 3, strike "more restrictive"

Page 15, line 4, after "of" insert "the transfer, carrying, or possession of" and after "pistols" strike the remainder of the line

Page 15, line 5, strike "power in this regard"

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

Pursuant to Rule 60, a roll call was taken on the motion of Mr. Jensen to further amend S. F. No. 625 as follows:

Strike everything after the enacting clause and insert:

"Section 1. [CITATION.] Sections 1 to 18 may be cited as the Minnesota handgun regulation act.

Sec. 2. [PURPOSE; DECLARATION OF POLICY.] It is the purpose of sections 1 to 18 to regulate the possession, sale, purchase and transfer of handguns. Nothing in sections 1 to 18 shall be construed to regulate shotguns, rifles and other longguns of the type commonly used for hunting and not defined as handguns nor to place the cost of administration upon those citizens who wish to lawfully possess or carry handguns.

Sec. 3. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 18 the terms defined in this section have the meanings given them.

Subd. 2. "Handgun" includes a weapon originally designed to

be fired by the use of a single hand and with an overall length less than 26 inches, or with a barrel or barrels less than 18 inches in length (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor. "Handgun" does not include children's pop-guns or toys.

Subd. 3. "Commissioner" means the commissioner of public safety.

Subd. 4. "Transferor" means a person who sells, gives, furnishes, loans, assigns or transfers, whether or not for a consideration, a handgun or the frame or receiver of a handgun to another.

Subd. 5. "Transferee" means a person to whom a handgun or the frame or receiver of a handgun is sold, given, furnished, loaned, assigned or transferred, whether or not for a consideration.

Subd. 6. "Transfer" means a sale, gift, loan, assignment, or other furnishing, whether or not for a consideration, of a handgun or the frame or receiver of a handgun to another.

Sec. 4. [CERTAIN PERSONS NOT TO HAVE HANDGUNS.] Subdivision 1. No person who has been convicted of a gross misdemeanor or a felony within the preceding ten years, or who has been adjudicated mentally ill, mentally deficient, or an inebriate person as provided in Minnesota Statutes, Chapter 253A, and not restored to full legal capacity, shall carry, hold, possess, or own a handgun.

Subd. 2. A person who knowingly or with reason to know transfers a handgun to a person named in this section is guilty of a gross misdemeanor.

Subd. 3. A person named in this section who carries, holds, possesses or becomes a transferee or owner of a handgun is guilty of a gross misdemeanor.

Sec. 5. [CARRYING HANDGUNS WITHOUT PERMIT PROHIBITED; PENALTY.] A person who carries, holds or possesses a handgun in a motor vehicle or snowmobile, or on or about his clothes or person, or otherwise has in his possession or control a handgun in a city or a town having the power of a statutory city without first obtaining a permit to carry the handgun is guilty of a gross misdemeanor. Failure to have the permit in possession when carrying a handgun is a misdemeanor.

Sec. 6. [EXCEPTIONS TO PERMIT REQUIREMENTS] A permit as required by section 5 is not required of a person:

(a) To keep or carry a handgun about his place of business, dwelling house, premises, or on land possessed by him;

(b) To transport a handgun from a place of purchase to his dwelling house or place of business, or from his dwelling house or place of business to and from a place where repairing is done, to have the handgun repaired;

(c) To transport a handgun from his dwelling house to his place of business;

(d) To transport a handgun while traveling to or from hunting, fishing, a target range or an authorized place for the purpose of practice, match, target, trap or skeet shooting, or shooting exhibitions.

A permit as required by section 5 is not required of a person who is a law enforcement officer with authority to make arrests other than citizens arrests.

Sec. 7. [TRANSPORTATION OF HANDGUNS; PENALTY FOR VIOLATION.] A handgun while being transported pursuant to section 6 shall be unloaded and contained in a closed and fastened case, gun box or securely tied package and, if transported in a motor vehicle, locked in the trunk of the vehicle or, if the motor vehicle is not equipped with a trunk, in some other area of the vehicle not normally occupied by the driver or passengers. If the handgun is transported in a snowmobile or boat, it shall be unloaded. A violation of this section is a misdemeanor.

Sec. 8. [PERMIT APPLICATIONS.] Subdivision 1. An application for a permit to carry a handgun shall be made to the chief of police of the municipality in which the applicant resides if the municipality has an organized full-time police department or if the municipality has no organized full-time police department to the sheriff of the county in which the applicant resides. If the applicant is not a resident of the state of Minnesota he shall apply to the commissioner. Applications shall not be public records within the meaning of Minnesota Statutes, Section 15.17.

Subd. 2. Applications shall be in the form prescribed by the commissioner containing the name, residence, place of business, age, date of birth, occupation, sex and physical description including distinguishing physical characteristics, if any, of the applicant and whether or not the applicant is disqualified for a permit by section 4. The application shall be signed by the applicant under oath.

Subd. 3. The chief of police or sheriff shall obtain the fingerprints of the applicant and shall have them compared with available records of fingerprints.

Subd. 4. The permit shall be granted unless the applicant is not entitled to carry, hold, possess, or own a handgun as provided in section 4. Permits shall be granted or denied not less than 60 days from the date of receipt of the application. Failure of the chief of police or county sheriff to deny the application or issue a permit within 60 days of the date of application shall be deemed to be a grant thereof. The permits shall be issued free of charge.

Subd. 5. Permits issued pursuant to this section shall be valid until the holder of the permit becomes disqualified under section 4, subdivision 1.

Subd. 6. A permit shall be void at the time that the holder

becomes prohibited from possessing a handgun under section 4, in which event the holder shall return the permit within five days to the commissioner who shall then advise the office that granted the permit. Failure of the holder to return the permit to the commissioner within the five days is a gross misdemeanor.

Subd. 7. The permit shall be in the form prescribed by the commissioner and shall be issued in triplicate. The issuing officer shall forward the original copy to the commissioner, the second copy to the applicant and he shall retain the third copy.

Sec. 9. [TRANSFER OF HANDGUNS.] A person who transfers a handgun to a person who either does not present evidence of his identity or is not personally known to the transferor is guilty of a misdemeanor.

Sec. 10. [PERMIT VALID FOR ANY HANDGUN.] A person having a permit may carry any handgun in any city or town having the powers of a statutory city subject to any ordinances of said city or town.

Sec. 11. [FALSE REPRESENTATIONS IN APPLICATIONS OR IN PURCHASES.] A person who gives or causes to be given false information or signs a fictitious name or address in applying for a permit to carry a handgun is guilty of a gross misdemeanor.

Sec. 12. [REVOCATION.] A person may apply to the commissioner for the revocation of a permit issued pursuant to sections 1 to 18 to another person or the commissioner may revoke a permit on his own initiative if a permit holder becomes disqualified under section 4, subdivision 1. A permit shall be revoked by the commissioner after written notice to the holder, a hearing and a finding that the holder no longer qualifies.

Sec. 13. [HEARING UPON DENIAL.] A person aggrieved by the denial of a permit to carry a handgun may request a hearing before the commissioner and obtain judicial review of the commissioner's decision pursuant to Minnesota Statutes, Sections 15.0418 to 15.0426. The request for a hearing shall be made in writing within 30 days of the denial of the application. The applicant shall serve a copy of his request for a hearing upon the chief of police or sheriff to whom the application was made and upon the commissioner. The hearing shall be held within 30 days of the receipt of the application for the hearing.

Sec. 14. [ALTERING SERIAL NUMBER OF HANDGUN; SALE; PENALTY.] Subdivision 1. A person who intentionally alters, changes, removes, disfigures, obliterates, or defaces the name of the maker, model, manufacturer's serial number, or other mark of identification of a handgun is guilty of a gross misdemeanor.

Subd. 2. A person who possesses a handgun with a serial number which has been altered, changed, disfigured or defaced is guilty of a gross misdemeanor.

Sec. 15. [FORFEITURE OF HANDGUNS.] Handguns carried within a municipality without a permit except as provided in section 6 shall be confiscated and after conviction the handguns

are declared to be nuisances and forfeited to the state. Forfeited handguns may be sold, destroyed or otherwise lawfully disposed of when they are no longer needed for evidentiary purposes and after they have been inventoried and their disposition witnessed and recorded by the head of the agency having possession or his representative designated for this purpose. If the handguns are found to be the property of an innocent owner prior to their disposition, they shall be returned to him when no longer needed for evidentiary purposes. A person aggrieved by the operation of this section may, no later than 30 days after the forfeiture of a handgun, request a hearing before the commissioner and obtain judicial review of the commissioner's decision pursuant to Minnesota Statutes, Sections 15.0418 to 15.0426. A copy of the request for hearing shall be served upon the law enforcement officer to whom the handgun was originally forfeited. He shall immediately notify the custodian of the handgun of the request for hearing. No handgun which is the subject of a hearing shall be disposed of until the proceedings are completed by final order of the commissioner or judicial order when the commissioner's order is appealed.

Sec. 16. [CONVICTION OF ALIENS.] Whenever a person not a citizen of the United States is convicted under a provision of sections 1 to 18, the clerk of the court in which the conviction is secured shall certify the fact of the conviction to the proper officer of the United States government having supervision of the deportation of aliens.

Sec. 17. [LOCAL REGULATION.] Sections 1 to 15 shall not be construed to prohibit more restrictive municipal or county regulation of handguns or to restrict existing police power in this regard.

Sec. 18. [ADDITIONAL SENTENCE FOR ARMED CRIMINALS.] Subdivision 1. Notwithstanding the provisions of any other law, a person who commits or attempts to commit a crime of violence or who is a fugitive from justice, when armed with or having in his possession any handgun, as defined in section 2, whether or not capable of being discharged, may, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not less than three nor more than ten years; upon a second conviction by imprisonment for not less than four nor more than 15 years; upon a third conviction by imprisonment for not less than five nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than ten years nor more than for life.

Subd. 2. For purposes of determining the number of convictions under this section, a prior conviction includes a conviction:

- (a) in this state;
- (b) in another state for a crime which would have been a crime of violence if committed in this state; or
- (c) in a federal court.

Sec. 19. [EFFECTIVE DATE.] This act is effective October 1, 1975."

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

“A bill for an act relating to crimes and criminals; regulating the transfer, possession and use of handguns; requiring permits to carry handguns; prohibiting the sale or transfer to or carrying by certain persons of handguns; prescribing penalties; increasing penalties for crimes of violence involving handguns.”

There were yeas 6 and nays 9 as follows:

Those who voted in the affirmative were:

Messrs. Blatz; Jensen; Keefe, J.; Knutson; Pillsbury and Sillers.

Those who voted in the negative were:

Messrs. Davies, Anderson, Doty, Humphrey, McCutcheon, Merriam, Schaaf, Spear and Tennesen.

The Jensen amendment was not adopted.

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

S. F. No. 60: A bill for an act relating to health care; providing for payment of certain catastrophic health care expenses; regulating certain insurers and health care insurance plans; appropriating money.

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

Strike everything after the enacting clause and insert:

“Section 1. [CITATION.] Sections 1 to 14 may be cited as the Minnesota comprehensive health insurance act of 1975, with sections 3 to 7 being the minimum standards act, and sections 8 to 14 being the health insurance availability act.

Sec. 2. [DEFINITIONS.] Subdivision 1. For the purpose of this act the following terms and phrases shall have the meaning given to them.

Subd. 2. “Employer” means any person, partnership, association, trust, estate or corporation, which employs 15 or more individuals who are residents of the state of Minnesota.

Subd. 3. “Health maintenance organization” means a non-profit corporation organized under Minnesota Statutes, Chapter 317, controlled and operated as provided in Minnesota Statutes, Chapter 62D.

Subd. 4. “Qualified plan” means those health benefit plans which have been certified by the commission as providing the minimum benefits required by section 6. Qualified plans may be number 1, number 2, or number 3 coverage plans as provided in section 6.

Subd. 5. “Qualified medicare supplement plan” means those health benefit plans which provide for the payment of health

services or the provision of services by insurers or health maintenance organizations which have been certified by the commission as providing the minimum benefits required by section 7.

Subd. 6. "Commission" means the health security advisory commission created by this act.

Subd. 7. "Dependent" means a spouse or unmarried child under the age of 18 years or a dependent child who is a student under the age of 25 and financially dependent upon the parent.

Subd. 8. "Employee" means any person who has entered into the employment of or works under contract or service or apprenticeship with any employer. "Employee" shall not include a person who has been employed for less than 30 days for his present employer, nor one who is employed less than an average of 30 hours per week.

Subd. 9. "Plan of health coverage" means any plan or combination of plans of coverage, including combinations of individual health insurance policies, group health insurance policies, coverage under a non-profit health service plan, or coverage under a health maintenance organization subscriber contract.

Subd. 10. "Insurer" means those companies operating pursuant to Minnesota Statutes, Chapter 62A and Chapter 62C and offering or selling policies of accident and health insurance. "Insurer" does not include health maintenance organizations.

Subd. 11. "Accident and health insurance policy" or "policy" means insurance or nonprofit health service plan contracts providing benefits for hospital and medical costs.

Subd. 12. "Health benefits" means benefits offered to employees on an indemnity or prepaid basis which pay the costs of medical, surgical and hospital care.

Subd. 13. "Eligible person" means an individual who is a resident of Minnesota and meets the enrollment requirements of section 13.

Subd. 14. "Minnesota comprehensive health association" or "association" means the association created by section 9 which consists of all insurers licensed to sell policies of accident and health insurance in this state.

Subd. 15. "Medicare" means part A and part B of the United States Social Security Act, Title XVIII, as amended, 42 U.S.C. Sections 1394, et seq.

Subd. 16. "Medicare supplement plan" means any plan of insurance protection providing benefits for the costs of medical, surgical and hospital care which is marketed as providing benefits which complement or supplement those benefits provided by Medicare.

Subd. 17. "Fund plan premium" means the standard premium established by the commission which shall be charged for membership in the comprehensive health insurance plan. The premium for a qualified plan shall be the average of rates charged by the five insurers with the largest number of individuals in a qualified individual plan of insurance in

force in Minnesota. The premium for a qualified medicare supplement plan shall be the average of rates charged by the five insurers with the largest number of individuals enrolled in a qualified medicare supplement plan.

Subd. 18. "Writing carrier" means the carrier selected by the commission to administer the comprehensive health insurance plan.

Subd. 19. "Comprehensive health fund" or "fund" means the money contributed by eligible persons, their employers, the state, and members of the association as provided herein.

Subd. 20. "Fraternal beneficiary association" or "fraternal" means a corporation, society, order, or voluntary association without capital stock which provided health and accident insurance in accordance with Minnesota Statutes, Chapter 64A.

Subd. 21. "Comprehensive health insurance plan" or "plan" means policies of insurance offered by the commission through the writing carrier providing benefits which are not less than those required for a qualified plan and a qualified medicare supplement plan.

Sec. 3. [DUTIES OF THE EMPLOYER.] Subdivision 1. Each employer who provides or makes available to his employees a plan of health coverage, may offer and make available to his employees a plan or combination of plans which have been certified by the health security advisory commission as a qualified plan or a qualified Medicare Supplement Plan. If the plan of health coverage does not meet the requirements of section 6 for a number three coverage plan, the employer shall make available a supplemental plan of health benefits which, when combined with the existing plan of health benefits, constitutes a number three coverage plan. The plan or combinations of plans may be financed from funds contributed solely by the employer or solely by the employees or any combination thereof. The plans may consist of group policies or individual policies or any combination thereof.

Subd. 2. In the event that an employer fails to offer a qualified plan of health benefits to his employees, none of the employer's costs for health benefits shall qualify as an income tax deduction pursuant to Minnesota Statutes, Section 290.09, Subdivision 2, Clause (a) (1).

Subd. 3. [DUAL CHOICE.] An employer who employs in this state, on the average during a calendar quarter, 100 employees or more, other than seasonal employees as defined in section 268.07, subdivision 5, and who offers a health benefits plan for employees, shall include in the health benefits plan for the calendar year beginning after that quarter, an option to obtain health benefits through membership in a health maintenance organization certified under chapter 62D, if there is a certified health maintenance organization serving the area in which at least 25 of the employees reside and if a certified health maintenance organization is not fully enrolled it shall grant membership to the employees.

Subd. 4. An employer who employs in this state, on the average during a calendar quarter, 100 employees or more, other than seasonal employees as defined in section 268.07, subdivision 5,

and who during that quarter offers employees, under a health benefits plan, a membership in a health maintenance organization certified under chapter 62D, shall offer employees for the calendar year beginning after that quarter, an option to obtain health coverage through a policy of accident and health insurance of the type described in chapter 62A, or through a nonprofit health service plan regulated under chapter 62C.

Subd. 5. No employer is required by this section to contribute more per employee toward the cost of providing health benefits pursuant to this section than he contributes under an employee benefit program in operation on the effective date of this section, although administrative costs and other incidental expenses or increased costs which may result from the addition of the health maintenance organization option are not considered an increased contribution subject to the provisions of this subdivision. The increased costs, if any, in the benefits in the health maintenance organization, other than administrative and other costs not subject to these provisions may be passed on and borne by the benefited employees in the form of an enrollee's contribution toward coverage. The employer may use payroll deduction to collect this contribution from the employees for the health maintenance organization.

Subd. 6. For the purposes of this section, an employer has no obligation to seek out a certified health maintenance organization in order to offer such a benefit to employees. The employer's obligation arises upon a proper presentation for inclusion in the employer's benefit plan by a certified health maintenance organization. A proper presentation, as that term is used herein, means an offer to enroll an employer's employees made by a certified health maintenance organization to an employer subject to this act at least 90 days prior to the renewal date of the employer's existing health benefits plan, which presentation must include evidence of the health maintenance organization's certification under chapter 62D, copies of the health maintenance contract offered by the health maintenance organization and samples of the evidences of coverage to be issued to prospective enrollees, a description of the benefits, limitations and exclusions, a description of the marketing approach that will be used by the health maintenance organization and a quotation of the rates or various rating plans available to the employer and his employees.

Subd. 7. An employer is obligated to offer the options referred to in subdivisions 1 and 2 of this section if the employer is otherwise qualified and if the health maintenance organization insurance company or nonprofit health service plan corporation has made a proper presentation, as described in subdivision 4, above; provided, however, that the employer may satisfy his obligation by selecting a different certified health maintenance organization, insurance company or nonprofit health service plan corporation than the one that has made the proper presentation under this section, and if the certified health maintenance organization chosen by the employer is willing to enroll the employer's employees but is presently not accepting additional enrollment, the employer may wait for a period of six months without offering

the health maintenance organization of its choice to begin enrollment. If the health maintenance organization chosen by the employer is not able to enroll the employees after the six month period referred to herein, the certified health maintenance organization which made a proper presentation to the employer, or the certified health maintenance organization chosen by the employer from among those who have made proper presentations to the employer may enroll the employees without further delay.

Subd. 8. An employer whose health benefits expenditures are in the form of a contribution to and sharing the management of a multi-employer plan will not be required to satisfy the conditions of this section with respect to those employees who are covered by the multi-employer plan and will be required to meet the requirements of this section for his other employees only if there are 100 such other employees who meet the qualifications of subdivision 1. For the purpose of this section, a "multi-employer plan" means a plan of group insurance or group subscriber contracts providing coverage for hospital and medical benefits or a health care plan established through a health maintenance organization, and

(a) to which more than one employer is required to contribute;

(b) which is maintained pursuant to one or more collective bargaining agreements between an employee organization and one or more employer; and

(c) under which benefits are payable with respect to each participant except to the extent that benefits accrued as a result of service with the employer before the employer was required to contribute to the plan.

Subd. 9. If a multi-employer plan covers 100 people or more it must offer an option to the people covered in the plan as is required for employers under the provisions of subdivisions 1 and 2 of this section. Such alternative plan need only be offered if the multi-employer plan has received a proper proposal as described in subdivision 4, the multi-employer plan is not obligated to increase its contribution to the cost of benefits as provided for employers in subdivision 3, and is subject to the exceptions provided for employers in subdivision 5.

Subd. 10. An employer with at least 100 employees who offers a health benefits plan directly, as opposed to those offered through multi-employer plans, which is the subject of a collective bargaining agreement, will not be required to offer an alternative option to those employees who are covered by the collective bargaining agreement unless the offering of such an option has been submitted to bargaining and, as to those employees subject to the collective bargaining agreement, an agreement is reached through collective bargaining to offer the alternative option. The parties may also bargain for the benefits and other features to be included in the alternative plan, provided these benefits and other features at least meet the requirements of the law governing such a plan. Upon receiving a proper presentation as described in sub-

division 4, the employer must propose the question of adding the alternative option for bargaining, either immediately, if there is a contract reopener provision to allow such a consideration, or at the negotiations preceding the expiration of the collective bargaining agreement, whichever would occur first. Upon agreement to include the alternative option, or after an agreement is reached which has rejected such an alternative, the employer must offer an alternative option to its other employees. The exact provisions of this option need not be the same as those in a similar alternative offered through a collective bargaining agreement.

Subd. 11. An employer who is otherwise qualified and whose health benefits plan is paid for directly, or is self-insured, as opposed to purchasing coverage through an insurance company, a nonprofit health service plan corporation or a health maintenance organization is deemed to have a health benefits plan under this section and is required to provide the health maintenance organization option as provided in this section.

Subd. 12. This section is self-executing and shall take effect October 1, 1975, for all health benefits plans subject for renewal on or after that date, provided the advance notice of the certified health maintenance organization's proposal has been given as required in subdivision 4, which therefore, must be given on or before July 1, 1975 for the October 1, 1975 effective date.

Sec. 4. [DUTIES OF INSURERS.] Subdivision 1. [INDIVIDUAL POLICIES.] Each insurer and each fraternal issuing individual policies of accident and health insurance in Minnesota shall file with the commissioner of insurance an individual policy which meets the minimum standards of a qualified plan. Each insurer and each fraternal shall offer to all individual applicants for accident and health insurance the three types of qualified plans.

Subd. 2. [MEDICARE SUPPLEMENT PLAN.] Each insurer and each fraternal issuing medicare supplement plans in this state shall file with the commissioner of insurance a medicare supplement policy which meets the minimum standards of a qualified medicare supplement plan. Each insurer and each fraternal issuing medicare supplement plans shall offer to all applicants for medicare supplement plans a qualified medicare supplement plan.

Subd. 3. Each insurer and each fraternal issuing policies of group accident and health insurance in this state shall file with the commissioner of insurance a group policy which provides for each member of the group the minimum benefits of a qualified plan. Each insurer and each fraternal issuing policies of group accident and health insurance in this state shall offer to all applicants for group accident and health insurance the three types of qualified plans.

Subd. 4. Each insurer and fraternal shall include in every policy of insurance covering hospital and medical services coverage of catastrophic medical costs, unless the applicant for a new or renewal policy declines the coverage in writing. The coverage shall provide that when a covered individual incurs out-of-pocket expenses of \$5,000 or more within a calendar year for services covered in section 6, subdivision 2, benefits shall be payable, subject

to any copayment or deductible authorized by the commission, up to a maximum life-time limit of \$250,000.

Subd. 5. [EFFECT OF NON-COMPLIANCE.] No policy of accident and health insurance may be issued in this state 180 days after the effective date of this act by an insurer or a fraternal who has not complied with the requirements of this section.

Sec. 5. [CERTIFICATION OF QUALIFIED PLANS.] Upon application by an insurer, fraternal, or employer for certification of a plan of health coverage as a qualified plan or a qualified medicare supplement plan for the purposes of this act, the commissioner shall make a determination within 90 days as to whether the plan is qualified. All plans of health coverage offered for sale shall be labelled as "qualified" or "non-qualified" on the front of the policy or evidence of insurance. All qualified plans shall indicate whether they are number one, two, or three coverage plans.

Sec. 6. [MINIMUM BENEFITS OF A QUALIFIED PLAN.] Subdivision 1. A plan of health care may be certified as a number three coverage qualified plan if it meets the requirements established by the laws of this state, and meets or exceeds the following minimum standards:

(a) The plan must meet the requirements established by the laws of this state; and

(b) During the period from January 1, 1976 through December 31, 1977, any plan or combination of plans which provide benefits which are approximately equal in actuarial value to the benefits described in subdivision 2 shall be a qualified plan for the purpose of this act.

(c) During the period from January 1, 1978 through December 31, 1978, any plan or combination of plans which provide benefits which are approximately equal in actuarial value to the benefits described in subdivisions 2 and 3 shall be a qualified plan for the purposes of this act.

(d) Beginning on January 1, 1979, and continuing thereafter, any plan or combination of plans which provide benefits which are approximately equal in actuarial value to the benefits described in subdivisions 2, 3, and 4 shall be a qualified plan for the purpose of this act.

Subd. 2. [MINIMUM BENEFITS.]

(a) Effective January 1, 1976, the minimum benefits for a covered individual shall, subject to the other provisions of this section, be equal to at least 100 percent of the covered expenses in excess of an annual deductible which does not exceed \$150 per person. The coverage may be subject to a maximum lifetime benefit of not less than \$100,000. Covered expenses shall be the usual and customary charges for the following services and articles when prescribed by a physician:

(1) Hospital services;

(2) Professional services for the diagnosis or treatment of in-

juries, illnesses, or conditions, other than outpatient mental or dental, which are rendered by a physician or at his direction;

(3) The first twenty professional services for the diagnosis or treatment of one or more mental conditions rendered during the year by one or more physicians or at their direction;

(4) Drugs requiring a physician's prescription;

(5) Services of a skilled nursing facility for not more than 120 days in a year;

(6) Service of a home health agency up to a maximum of 180 visits per year;

(7) Use of radium or other radioactive materials;

(8) Oxygen;

(9) Anesthetics;

(10) Prostheses;

(11) Rental of durable medical equipment;

(12) Diagnostic X-rays and laboratory tests;

(13) Oral surgery for partially or completely unerupted impacted teeth, a tooth root without the extraction of the entire tooth, or the gums and tissues of the mouth when not performed in connection with the extraction or repair of teeth; and

(14) Services of a physical therapist.

(b) Charges for the services and articles specified in this subdivision do not include the following:

(1) Any charge for any care for any injury or disease either (i) arising out of and in the course of employment and subject to a workmen's compensation or similar law, or (ii) for which benefits are payable without regard to fault under coverage statutorily required to be contained in any motor vehicle, or other liability insurance policy or equivalent self-insurance;

(2) Any charge for treatment for cosmetic purposes other than surgery for the repair of an injury;

(3) Any charge for travel (other than travel by ambulance to the nearest health care institution qualified to treat the illness or injury);

(4) Any charge for confinement in a private room to the extent it is in excess of the institution's charge for its most common semi-private room;

(5) Any charge by health care institutions to the extent that it is determined that the charge exceeds the rates approved by the regulatory agency dealing with that institution;

(6) Any charge for services or articles rendered or prescribed by a physician, dentist, or other health care personnel that exceeds the prevailing charge in the locality where the service is provided; or

(7) Any charge for services or articles the provision of which is not within the scope of authorized practice of the institution or individual rendering the services or articles.

Subd. 3. Effective January 1, 1978, the minimum benefits for a covered individual shall include, in addition to those benefits specified in subdivision 2, the following:

(a) Maximum Lifetime Benefit of \$250,000;

(b) A limitation on total annual out-of-pocket expenses of \$4,000 for services covered under section 6, subdivisions 1 and 2; and

(c) Well baby care.

Subd. 4. Effective January 1, 1979, the minimum benefits for a covered individual shall include, in addition to those benefits specified in subdivisions 2 and 3, the following:

(a) Physicians' services for routine check-ups and annual physicals when prescribed by a physician;

(b) Multiphasic screening and other diagnostic testing; and

(c) A limitation on total annual out-of-pocket expenses of \$3,000 for services covered under section 6.

Subd. 5. A plan of health coverage shall be certified as a number two qualified plan if it meets the requirements established by the laws of this state and provides for payment of 80 percent of the expenses covered in subdivision 2 in excess of a deductible which does not exceed \$150 per person. The coverage may be subject to a maximum lifetime benefit of \$100,000.

Subd. 6. A plan of health coverage shall be certified as number one qualified plan if it meets the requirements established by the laws of this state and provides for payment of 60 percent of the expenses covered in subdivision 2 in excess of a deductible which does not exceed \$150 per person. The coverage may be subject to a maximum lifetime benefit of \$100,000.

Subd. 7. A health maintenance organization which provides the services required by chapter 62D shall be deemed to be providing a qualified plan.

Sec. 7. [QUALIFIED MEDICARE SUPPLEMENT PLAN.] Any plan which provides benefits to persons over the age of 65 years may be certified as a "qualified medicare supplement plan" if the plan is designed to supplement medicare and provides at least the following coverages:

(1) The full cost of the hospital deductible and co-payment requirements of part A of medicare;

(2) The full cost of the physician deductible and co-payment requirements of part B of medicare;

(3) Payments of amounts equivalent to parts A and B of medicare for services rendered outside the United States;

(4) Hospital outpatient treatment for accidents and medical emergencies to the extent not covered in clauses (1), (2) or (3) above; and

(5) X-ray and other diagnostic tests in a hospital outpatient department and in a doctor's office, to the extent not covered in clauses (1), (2) or (3) above.

Sec. 8. [MINNESOTA HEALTH SECURITY ADVISORY COMMISSION; ORGANIZATION, POWERS.] Subdivision 1. **[CREATION OF COMMISSION.]** The Minnesota health security advisory commission is hereby established and shall consist of nine members appointed by the governor with the approval of the senate. The commission shall consist of the following:

(a) One member who is an executive officer of a hospital or group of hospitals or of an organization in which membership primarily consists of hospitals;

(b) One member who is a licensed medical doctor;

(c) One member who is an executive officer of a company offering group health insurance under Minnesota Statutes, Chapter 62A;

(d) One member who is an executive officer of a non-profit health service plan corporation providing health care on a provision of service basis organized pursuant to Minnesota Statutes, Chapter 62C;

(e) One member who is an executive officer of a health maintenance organization operating under chapter 62D;

(f) One member who is a fellow in the society of actuaries;

(g) Three members who are representatives of the general public as consumers of health care services as defined in Minnesota Statutes, Section 145.72, Subdivision 6.

Subd. 2. [TERM OF OFFICE.] The members of the commission shall be appointed by the governor with the consent of the senate for a term of three years, except as provided in this section, and shall hold office until reappointment or until the appointment and qualification of their successors. Of the members initially appointed by the governor, three shall hold office for three years, three shall hold office for two years, and three shall hold office for a term of one year. In making the first appointments to these offices, the governor shall designate the term to which each member is to be appointed. Vacancies shall be filled by appointment by the governor for the unexpired term.

Subd. 3. [MAKEUP OF COMMISSION.] The governor shall designate one member of the commission as the chairman of the commission. The commission, at its first meeting after appointment and annually thereafter at its first meeting of each year, shall elect from its members a vice chairman and any other officers as it may deem necessary. The commission shall appoint an executive secretary who shall serve in the unclassified civil service and shall hold office at the pleasure of the commission. The executive secretary shall perform the duties prescribed by the commission,

and organize, coordinate, supervise, and direct the operations and affairs of the commission. He shall submit reports on his activities to the commission, and prepare other supplemental and special reports as the commission may from time to time request or which he may deem necessary to adequately inform the members of the commission concerning his activities and experience in the implementation of this act. The executive secretary shall receive, in addition to his salary, actual and necessary travel expenses incurred in the discharge of his duties.

Subd. 4. [POWERS AND DUTIES.] The commission may:

(a) Formulate general policies to advance the purposes of the health insurance availability act of 1975 and direct the executive secretary in his execution of the policies. The commission may also adopt, promulgate, repeal, and amend rules and regulations to carry out the provisions of this act pursuant to Minnesota Statutes, Chapter 15;

(b) Supervise the creation of the Minnesota comprehensive health association within the limits described in section 9;

(c) Select the writing carrier and contract with it to offer the comprehensive health insurance plan;

(d) Appoint committees;

(e) Contract with the commissioner of insurance for any professional and business services, and staff members as it deems necessary to carry out the provisions of this act;

(f) Contract with the federal government or any other unit of government to ensure coordination of the plan with other governmental assistance programs;

(g) Contract with the commissioner of insurance for the use of necessary equipment and supplies;

(h) Undertake directly, or through contracts with other persons, studies and demonstration programs to develop awareness of the benefits of the health insurance availability act of 1975 so that the residents of this state may best avail themselves of the health care provided herein; and

(i) Advise the commissioner of insurance as to the implementation of Sections 3 to 7.

Subd. 5. The commission shall transfer its powers and duties to the commissioner of insurance no later than January 1, 1978. It shall continue in existence to advise the commissioner of insurance as to the continued implementation of this act.

Sec. 9. [COMPREHENSIVE HEALTH ASSOCIATION.] Subdivision 1. [CREATION.] There is established a comprehensive health association with membership consisting of all insurers licensed to do business in this state.

Subd. 2. [MANDATORY MEMBERSHIP.] All insurers shall maintain membership in the association as a condition of doing

business in this state. The association shall submit by-laws and operating rules to the commission for approval.

Subd. 3. [CONTRACT OF REINSURANCE.] All members shall, as a condition of doing business in this state and in consideration of their mutual promises, enter into a contract of reinsurance between each member and the association according to terms specified in section 12. The contract of reinsurance shall be executed on or before January 1, 1976, for a period of one year and renewed annually thereafter. A company which ceases to do business within the state shall remain liable under the contract for the reinsurance contracted for during that calendar year.

Sec. 10. [COMPREHENSIVE HEALTH FUND.] Subdivision 1. [CREATION.] There is established under the jurisdiction of the commission a comprehensive health fund, hereinafter referred to as "fund". This fund shall provide necessary money for the payment of claims and administrative costs of the comprehensive health insurance plan. This fund shall consist of contributions from the state, the Minnesota comprehensive health association, and enrolled eligible persons.

Subd. 2. [CONTRIBUTION OF FUND PLAN PREMIUM BY ELIGIBLE PERSONS.] Upon certification as an eligible person pursuant to section 13 of this act, an eligible person may enroll himself and his dependents as insureds under the comprehensive health insurance plan by payment of the fund plan premium for himself and his dependents.

Subd. 3. [PREMIUM ELEMENTS.] Not less than 90 percent of the fund plan premium shall be used to pay claims, and not more than 10 percent shall be used for the payment of the writing carrier's administration expenses.

Subd. 4. [REINSURANCE PARTICIPATION BY THE ASSOCIATION.] Each member of the association shall reinsure the costs of the comprehensive health insurance plan pursuant to the terms of the individual reinsurance contracts executed by the association with each member according to section 9. Deviations in the claim experience of the plan within a five percent variation from the actuarially determined expected claim cost level included in the premium will be the liability of the association members. Association members shall share in the excess costs or returns of the plan in an amount equal to the ratio of the member's total accident and health premium received from Minnesota residents as divided into the total accident and health insurance premium received by all association members from Minnesota residents. The reinsurance contract shall provide for a retroactive determination of each member's claim liability or payment due within 30 days after each renewal date of the reinsurance contract. Failure by a member to tender to the association the assessed reinsurance claim within 30 days of notification by the association shall be grounds for termination of the member's membership which must be maintained as a condition of doing business in this state.

Subd. 5. [CONTRIBUTION BY EMPLOYER.] Any employer

which has in its employ one or more eligible persons enrolled in the comprehensive health insurance plan may make all or any portion of the premium payment to the plan directly to the writing carrier.

Subd. 6. [INSURANCE BY THE STATE.] Deviations in the overall cost level of the plan in excess of five percent variation from the actuarially determined expected claim cost shall be paid by or credited to the state.

Sec. 11. [MINIMUM BENEFITS OF THE COMPREHENSIVE HEALTH INSURANCE PLAN.] The comprehensive health insurance plan shall offer a policy which provides at least the benefits of a qualified plan and a policy which provides at least the benefits of a qualified medicare supplement plan. No pre-existing conditions, limitations, or exclusions based upon age, sex, occupation or health may be used to limit the benefits under the comprehensive health insurance plan.

Sec. 12. [ADMINISTRATION OF THE PLAN.] Subdivision 1. Any member of the association may submit to the commission the policies which it proposes to serve as the comprehensive health insurance plan. The time and manner of this submission shall be prescribed by the commission.

Subd. 2. [SELECTION OF A PLAN.] Upon approval by the commissioner of insurance of the policy forms submitted pursuant to Minnesota Statutes, Section 62A.10, the commission shall select policies submitted by a member of the association to be the comprehensive health insurance plan. This selection shall be based upon criteria including the member's proven ability to handle large group health insurance cases, efficient claim paying capacity, and the guaranteed estimate of total charges for administering the plan. If substantial savings in the cost of the plan would result, the commission may select separate writing carriers for the qualified plan and the qualified medicare supplement plan.

Subd. 3. [FUNCTION OF WRITING CARRIER.] The member selected pursuant to subdivision 2 shall, for the purposes of sections 8 to 14 be referred to as the "writing carrier". The writing carrier shall perform all administrative and claims payment functions required by this section. The writing carrier shall provide the function under this section for a period of three years, unless prior to the expiration the writing carrier submits a request to terminate. The writing carrier must provide the commission 90 days' notice of such a request. Six months prior to the expiration of the three year period, the commission shall invite submissions of policy forms from members of the association, including the writing carrier. The commission shall follow the provisions of subdivision 2 in selecting a writing carrier for the next three year period.

Subd. 4. The writing carrier shall provide all eligible persons enrolled in the plan an individual certificate, setting forth a

statement as to the insurance protection to which he is entitled and to whom payable.

Subd. 5. [REQUIRED REPORTS.] The writing carrier shall submit to the commission on a monthly basis a report on the operation of the plan. Specific information to be contained in this report shall be determined by the commission prior to the effective date of the plan.

Subd. 6. [PAYMENT OF CLAIMS.] All claim payments will be paid with drafts drawn on the fund established by the provisions of this act, and shall indicate

(1) that the claim was paid by the fund; and

(2) the procedure to be followed in the event of a dispute over the amount of payment.

Subd. 7. [REIMBURSEMENT OF WRITING CARRIER.] The writing carrier shall be reimbursed from the fund for its actual direct and indirect expenses which do not exceed its estimated expenses when it submitted its proposal to the commission. Direct and indirect expenses shall include, but not be limited to, a pro rata reimbursement for that portion of the writing carrier's administrative, printing, claims administration, management and building overhead which is assignable to the maintenance and administration of the plan. The commission shall approve cost accounting methods to substantiate the writing carrier's cost reports, consistent with generally accepted accounting principles. Direct and indirect expenses shall not include costs directly related to the original submission of policy forms prior to selection as writing carrier, and costs for solicitation of eligible persons other than administrative enrollment procedures.

Subd. 8. [WRITING CARRIER AS AGENT OF COMMISSION.] The writing carrier shall at all times when carrying out its duties under this act be considered an agent of the commission with civil liability subject to the provisions of Minnesota Statutes, Section 3.751.

Subd. 9. [PREMIUM TAX.] Premiums received by the writing carrier for the fund plan are specifically exempted from the provisions of Minnesota Statutes, Section 60A.15.

Subd. 10. [LITIGATION OF DISPUTED CLAIM.] The executive secretary of the commission shall be deemed the agent of the commission for purposes of receiving service of process in civil actions against the commission or the writing carrier.

Sec. 13. [ENROLLMENT BY AN ELIGIBLE PERSON.] Subdivision 1. The comprehensive health insurance plan shall be open for enrollment by eligible persons during the first twelve months following the effective date of this act, and thereafter twice a year for two week periods established by the commission. An eligible person may enroll by submission of a certificate of eligibility to the commission. The certificate shall provide the following:

(a) Name, address, age, and length of time at residence of the applicant;

(b) Name, address, and age of spouse and children if any, if they are to be insured; or

(c) Evidence of rejection, or a requirement of restrictive riders, or a pre-existing conditions limitation on a qualified plan, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least two association member companies within six months of the date of the certificate.

Subd. 2. [COMMISSION'S RESPONSE.] Within 30 days of receipt of the certificate described in subdivision 1, the commission shall either reject the application for failing to comply with the requirements in subdivision 1 or forward the eligible person a notice of acceptance and billing information. Insurance shall be effective immediately upon receipt of the first month's standard premium, and shall be retroactive to the date of the application, if the applicant otherwise complies with the requirements of this act.

Sec. 14. [SOLICITATION OF ELIGIBLE PERSONS.] Subdivision 1. [INITIAL ENROLLMENT PERIOD.] During the first 90 days after the effective date of this act the commission shall plan the dissemination of information to the residents of this state regarding the existence of this plan and the means of enrollment. Means of communication shall include use of the press, radio and television, as well as publication in appropriate state offices and publications.

Subd. 2. [CONTINUING SOLICITATION.] It shall be the duty of the commission to devise and implement means of continuing public awareness and ease of application to further the interest of this act.

Sec. 15. [APPROPRIATION.] Subdivision 1. The sum of \$..... is hereby appropriated from the general revenue fund for the use of the commission in administering this act.

Subd. 2. The sum of \$..... is hereby appropriated from the general revenue fund for the state's contribution to the comprehensive health fund.

Sec. 16. [EFFECTIVE DATE.] Except for section 3, sections 2 to 6 shall be effective January 1, 1976; sections 7 to 15 shall be effective on the date of their final enactment."

Amend the title as follows:

Page 1, strike lines 2 to 4 and insert: "relating to insurance; providing for the establishment and administration of plans of health insurance to provide certain minimum benefits to all persons in the state; creating a health security advisory commission; creating a comprehensive health care association;

Page 1, line 5, strike "insurance plans;"

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 742: A bill for an act relating to taxation; providing for additional powers to commissioner of revenue for collection of unpaid tax; creating lien on real and personal property for taxes due; providing for third party liability for withholding tax; changing rates of penalty and interest; providing that contractors shall give bond for certain unpaid taxes; amending Minnesota Statutes 1974, Chapters 270; 291; 292, by adding sections; Sections 270.07, Subdivisions 1 and 5; 270.075, Subdivision 2; 270.076, Subdivision 2; 273.41; 290.087, Subdivisions 4 and 5; 290.45, Subdivision 2; 290.53, Subdivisions 1 and 2; 290.92, Subdivision 15, and by adding a subdivision; 290.93, Subdivision 10; 290.934, Subdivision 1; 290.988, Subdivisions 2 and 3; 291.11, Subdivision 5; 291.15; 291.18; 291.35; 291.46; 292.12, Subdivision 1; 294.03, Subdivisions 1 and 2; 296.15, Subdivisions 1 and 2; 297.07, Subdivision 4; 297.35, Subdivision 5; 297A.35, Subdivision 1; 297A.39, Subdivision 7; 298.09, Subdivision 4; 574.26; 574.261, Subdivision 1; repealing Minnesota Statutes 1974, Section 292.11.

Reports the same back with the recommendation that the report from the Committee on Taxes and Tax Laws shown in the Journal for March 24, 1975, that "when so amended the bill do pass" be adopted. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 276: A bill for an act relating to elections; prohibiting unions and other associations from contributing funds from dues or membership fees to political campaigns; amending Minnesota Statutes 1974, Section 10A.01, Subdivision 16; repealing Minnesota Statutes 1974, Section 10A.12, Subdivision 5.

Reports the same back with the recommendation that the report from the Committee on Transportation and General Legislation shown in the Journal for March 27, 1975, that "the bill do pass" be adopted. Report adopted.

March 27, 1975

While S. F. No. 276 was under consideration in the Committee on Rules and Administration, Mr. Jensen moved that the bill be referred back to the floor. A roll call vote was requested and that it be printed in the Journal. The roll being taken on the Jensen motion, there were yeas 7 and nays 9, as follows:

Messrs. Blatz; Conzemius; Jensen; Ogdahl; Olson, A. G.; O'Neill; and Perpich, A. J. voted in the affirmative.

Messrs. Arnold; Borden; Chenoweth; Coleman; Davies; Gearty; Hansen, Baldy; Hughes; and Moe voted in the negative.

The motion did not prevail.

Mr. Conzemius then moved that S. F. No. 276 be laid on the table.

The motion prevailed.

On April 7, 1975, Mr. Conzemius moved that S. F. No. 276 be taken from the table.

The motion prevailed.

Upon further consideration being given to S. F. No. 276 and the committee report thereto attached, the committee recommended that the bill together with the committee report be returned to the floor with the recommendation that the report from the Committee on Transportation and General Legislation shown in the Journal for March 27, 1975 that "the bill do pass" be adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred for proper reference under Rule 35: S. F. Nos. 1040, 1072, 1078, 1084, 1092, 1115, 1116, 1162, 1191, 1196, 1252 and 1253 reports the same back with the recommendation that the bills be re-referred as follows:

S. F. Nos. 1040, 1116 and 1162 to the Committee on Governmental Operations.

S. F. Nos. 1072, 1092 and 1191 to the Committee on Health, Welfare and Corrections.

S. F. No. 1078 to the Committee on Local Government.

S. F. No. 1084 to the Committee on Taxes and Tax Laws.

S. F. No. 1115 to the Committee on Labor and Commerce.

S. F. No. 1196 to the Committee on Natural Resources and Agriculture.

S. F. No. 1252 to the Committee on Transportation and General Legislation.

S. F. No. 1253 to the Committee on Finance.

Report adopted.

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

H. F. Nos. 740 and 229 for comparison to companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

CALENDAR OF					
GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
740	898				
229	384				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 740 be amended as follows:

Page 1, line 6, delete "\$550,000" and insert "\$485,000"

And when so amended, H. F. No. 740 will be identical to S. F. No. 898 and further recommends that H. F. No. 740 be given its

second reading and substituted for S. F. No. 898 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 229 be amended as follows:

Page 3, delete lines 14 through 16

Page 5, line 10, restore the stricken language and delete "1974"

Page 5, line 12, restore the stricken language and delete "1974"

Page 5, delete lines 17 through 22

Page 6, line 32, after "1973," insert "*which is intended for use exclusively within Minnesota,*"

Page 7, line 3, delete ", but only to the extent that the credit is connected"

Page 7, delete all the new language in lines 4 through 6

Page 7, delete lines 7 through 15

Page 11, line 31, restore the stricken language and delete "1974"

Page 12, line 2, restore the stricken language and delete "1974"

Page 13, line 3, restore the stricken language except for "income" and insert after it "excise"

Page 13, restore the stricken language in lines 4 through 7

Page 17, line 29, restore the stricken language and delete "120"

Page 18, line 29, delete ", but the"

Page 18, delete lines 30 through 32

Page 19, delete lines 1 through 3

Page 19, line 4, delete "the claim"

Page 20, delete lines 7 through 32

Page 21, delete lines 1 through 7

Page 22, line 21, before "corporation's" insert "recipient"

Page 27, delete lines 7 through 10

Page 28, line 14, delete "as amended through December 31, 1974,"

Page 28, delete line 32

Page 29, delete lines 1 through 32

Page 31, line 3, delete ", provided that for employers with annual payrolls of"

Page 31, delete line 4

Page 31, line 5, delete "frequent than quarterly"

Page 38, delete lines 14 through 32

Page 39, delete lines 1 through 8

Page 39, line 13, delete “, *except that*”

Page 39, delete lines 14 through 17

Page 39, line 18, delete “*section 290.0604*”

Page 39, delete lines 26 through 32

Page 40, delete lines 1 through 32

Page 41, delete lines 1 through 32

Page 42, delete lines 1 through 22

Page 42, after line 27, insert:

“Sec. 27. There is hereby appropriated from the general revenue fund to the commissioner of revenue the amounts necessary to make payments of refunds allowed pursuant to section 290.50.”

Page 42, line 31, after “13,” insert “14 and” and delete “, 27 and 28”

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 4, delete “Chapter 290, by adding a section;”

Page 1, line 9, delete “Subdivisions 4 and” and insert “Sub-division”

Page 1, line 10, delete “290.26;”

Page 1, line 11, insert “and” after “2,” and delete “and 5”

Page 1, line 14, delete “290.983, Subdivision 1;”

And when so amended, H. F. No. 229 will be identical to S. F. No. 384 and further recommends that H. F. No. 229 be given its second reading and substituted for S. F. No. 384 and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 46, 1141, 782, 662, 307, 906, 1007, 1168, 888, 889, 1015, 903, 543, 917, 588, 1102, 1029, 587, 640, 1046, 649, 764, 393, 605, 820, 177, 451, 997, 1142, 1101, 742, 276 and 1383 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 87, 923, 249, 130, 281, 641, 1110, 229 and 740 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Olhoft moved that the name of Mr. Schrom be added as co-author to S. F. No. 1382. The motion prevailed.

Mr. Schaaf moved that the name of Mr. Keefe, S. be added as co-author to S. F. No. 1329. The motion prevailed.

Mr. Lewis moved that the name of Mr. Patton be added as co-author to S. F. No. 498. The motion prevailed.

Mr. Lewis moved that the name of Mr. Patton be stricken as co-author to S. F. No. 142. The motion prevailed.

Mr. Hansen, Baldy moved that S. F. No. 1379 be withdrawn from the Committee on Labor and Commerce and re-referred to the Committee on Local Government. The motion prevailed.

Mr. McCutcheon moved that S. F. No. 1335 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Governmental Operations. The motion prevailed.

Mr. Wegener moved that the names of Messrs. Fitzsimons and Moe be added as co-authors to S. F. No. 1439. The motion prevailed.

Mr. Perpich, A. J. moved that the name of Mr. Solon be added as co-author to S. F. No. 1355. The motion prevailed.

Mr. Knutson moved that the name of Mr. Lewis be added as co-author to S. F. No. 1254. The motion prevailed.

Mr. Hughes moved that the report from the Committee on Education, reported April 7, 1975, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Hughes moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Hughes moved that in accordance with the report from the Committee on Education, reported April 7, 1975, the Senate, having advised with, do now consent to and confirm the appointment of:

STATE BOARD FOR COMMUNITY COLLEGES

Mrs. Toyse A. Kyle, 1630 South Sixth Street, Minneapolis, Hennepin County, appointed effective February 25, 1975, for a term expiring July 1, 1980.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Conzemius moved that the report from the Committee on Health, Welfare and Corrections, reported April 3, 1975, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Conzemius moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Conzemius moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported April 3, 1975, the Senate, having advised with, do now consent to and confirm the appointment of:

COMMISSIONER OF THE DEPARTMENT OF PUBLIC WELFARE

Vera Likins, 1748 Wellesley Avenue, St. Paul, Ramsey County appointed effective January 6, 1975, for a term expiring January 1, 1979.

The question being taken on the adoption of the motion,

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

And the roll being called, there were yeas 35 and nays 27, as follows:

Those who voted in the affirmative were:

Arnold	Fitzsimons	Josefson	Ogdahl	Renneke
Bernhagen	Frederick	Keefe, J.	Olson, A. G.	Schrom
Blatz	Gearty	Kirchner	Olson, H. D.	Solon
Borden	Hansen, Baldy	Knutson	Olson, J. L.	Stokowski
Brataas	Hansen, Mel	Kowalczyk	O'Neill	Ueland
Chmielewski	Hanson, R.	Larson	Patton	Wegener
Davies	Humphrey	Laufenburger	Perpich, A. J.	Willet

Those who voted in the negative were:

Anderson	Doty	Lewis	Olhoft	Stassen
Ashbach	Dunn	Merriam	Pillsbury	Stumpf
Bang	Hughes	Milton	Purfeerst	Tennessen
Berg	Jensen	Moe	Schaaf	
Coleman	Keefe, S.	Nelson	Schmitz	
Conzemius	Kleinbaum	North	Spear	

The motion prevailed. So the appointment was confirmed.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES—CONTINUED

Mr. Coleman from the Committee on Rules and Administration, makes the following report: That Rule 62 of the Permanent Rules of the Senate appearing in the Journal of the 19th day be amended as follows:

Strike "11" before "Senate Research I" and insert "12"; strike "3" before "@\$45.25" and insert "4"

Mr. Coleman moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that Rule 62 of the Permanent Rules of the Senate be amended, pursuant to committee report adopted April 10, 1975.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Kirchner	Ogdahl	Schmitz
Ashbach	Fitzsimons	Kleinbaum	Olhoft	Schrom
Bernhagen	Frederick	Knutson	Olson, A. G.	Spear
Blatz	Gearty	Kowalczyk	Olson, H. D.	Stokowski
Borden	Hansen, Baldy	Larson	Olson, J. L.	Stumpf
Brataas	Hansen, Mel	Laufenburger	O'Neill	Tennessee
Chenoweth	Hanson, R.	McCutcheon	Patton	Ueland
Chmielewski	Hughes	Merriam	Perpich, A. J.	Wegener
Coleman	Jensen	Milton	Pillsbury	Willet
Conzemius	Josefson	Moe	Purfeerst	
Davies	Keefe, J.	Nelson	Renneke	
Doty	Keefe, S.	North	SchAAF	

The motion prevailed. So the rule was amended.

Mr. Coleman from the Committee on Rules and Administration, offered the following resolution:

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the positions hereinafter stated and at the salary heretofore fixed.

Peter Jay Kiedrowski transferred from Committee Administrative Assistant to Senate Research I, effective April 5, 1975.

Gene Mammenga, Chaplain, effective April 3, 1975.

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

SUSPENSION OF RULES

Mr. Hughes moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1110 and that the rules of the Senate be so far suspended as to give H. F. No. 1110, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

Mr. Hughes moved to amend the amendment placed on H. F. No. 1110 by the Committee on Finance, adopted by the Senate April 10, 1975, as follows:

In the amendment to page 3, after line 7, strike the new subdivision 16 and insert:

“Subd. 16. To the executive director of the Minnesota state retirement system, Supreme and district court judges retirement

42,824.48

This appropriation is available to pay retirement benefits only in the amounts necessary to bring the total amount received by a beneficiary since July 1, 1973, up to the amount he would have received under Minnesota Statutes, Section 490.102, prior to the decisions of the Minnesota Supreme Court in *Sylvestre v. State* and *Anderson v. State* (1973)."

The motion prevailed. So the amendment to the amendment was adopted.

H. F. No. 1110: A bill for an act relating to the operation of state government for the fiscal year ending June 30, 1975; appropriating money therefor.

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

Mr. Davies moved that the rules of the Senate be so far suspended as to waive the unanimous consent requirement for amendment on third reading with respect to H. F. No. 1110. The motion did not prevail.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 43 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Josefson	Ogdahl	Schmitz
Arnold	Fitzsimons	Keefe, S.	Olhoft	Schrom
Borden	Frederick	Kirchner	Olson, A. G.	Spear
Chenoweth	Gearty	Kleinbaum	Olson, J. L.	Stumpf
Chmielewski	Hansen, Mel	Laufenburger	Patton	Tennessen
Coleman	Hanson, R.	Lewis	Perpich, A. J.	Wegener
Conzemius	Hughes	Merriam	Purfeerst	Willet
Davies	Humphrey	Moe	Renneke	
Doty	Jensen	North	Schaaf	

Those who voted in the negative were:

Ashbach	Hansen, Baldy	Larson	O'Neill	Ueland
Bang	Keefe, J.	McCutcheon	Pillsbury	
Blatz	Knutson	Milton	Stassen	
Brataas	Kowalczyk	Nelson	Stokowski	

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Moe moved that S. F. No. 989 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Judiciary. The motion prevailed.

CALENDAR OF ORDINARY MATTERS

S. F. No. 816: A bill for an act relating to towns; requiring towns to file financial reports with the state auditor; amending Minnesota Statutes 1974, Section 366.22.

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 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Jensen	Moe	Schaaf
Arnold	Davies	Josefson	Nelson	Schmitz
Ashbach	Doty	Keefe, J.	North	Spear
Bang	Dunn	Keefe, S.	Olhoft	Stassen
Berg	Fitzsimons	Kirchner	Olson, A. G.	Stokowski
Bernhagen	Frederick	Kleinbaum	Olson, J. L.	Stumpf
Blatz	Gearty	Knutson	O'Neill	Tennessen
Borden	Hansen, Baldy	Larson	Patton	Ueland
Brataas	Hansen, Mel	Laufenburger	Perpich, A. J.	Wegener
Chenoweth	Hanson, R.	Lewis	Pillsbury	Willet
Chmielewski	Hughes	Merriam	Purfeerst	
Coleman	Humphrey	Milton	Renneke	

Mr. Schrom voted in the negative.

So the bill passed and its title was agreed to.

RECESS

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

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

CALL OF THE SENATE

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

Arnold	Dunn	Keefe, S.	Olson, A. G.	Spear
Bernhagen	Fitzsimons	Kirchner	Olson, J. L.	Stokowski
Blatz	Frederick	Kleinbaum	Patton	Stumpf
Brown	Gearty	Kowalczyk	Perpich, A. J.	Tennessen
Chmielewski	Hansen, Baldy	Lewis	Perpich, G.	Ueland
Coleman	Hansen, Mel	Merriam	Pillsbury	Wegener
Conzemius	Hanson, R.	Milton	Purfeerst	Willet
Davies	Hughes	North	Schaaf	
Doty	Josefson	Ogdahl	Schmitz	

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. 278, pursuant to the request of the House:

Messrs. Milton; Keefe, S.; Kirchner; Kowalczyk and Spear.

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Conzemius in the chair.

After some time spent therein, the committee arose, and the President having resumed the chair, Mr. Conzemius reported that the committee had considered the following:

S. F. Nos. 616, 426, 126, 325, 565, 38, 730 and 458 and H. F. Nos. 227 and 31, which the committee recommends to pass.

S. F. No. 212, which the committee recommends to pass with the following amendment offered by Mr. Frederick:

Page 1, line 12, after "apparatus" strike "including" and insert ", except"

Page 1, line 12, after "snorkel" insert "not attached to any artificial container of oxygen,"

H. F. No. 136 which the committee recommends to pass, after the following motion:

Mr. Olson, J. L. moved to amend H. F. No. 136 as follows:

Page 3, after line 17, insert:

"Sec. 2. There is appropriated to the commissioner of revenue from the general fund the sum of \$9,000,000 or so much thereof as may be required, for the purpose of making payments to school districts in accordance with the provisions of Minnesota Statutes, Section 124.03, to serve as a replacement for funds which would have been payable to the various school districts on or before May 31, 1974 except for the passage of Laws 1973, Chapter 650, Article 1, Section 1."

Renumber the sections in sequence

The question being taken on the adoption of the amendment,

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

Those who voted in the affirmative were:

Ashbach	Fitzsimons	Keefe, J.	Ogdahl	Renneke
Bernhagen	Frederick	Kirchner	Olson, H. D.	Schmitz
Blatz	Hansen, Baldy	Knutson	Olson, J. L.	Schrom
Brataas	Hansen, Mel	Kowalczyk	O'Neill	Stassen
Brown	Hanson, R.	Larson	Patton	Ueland
Dunn	Josefson	Nelson	Pillsbury	

Those who voted in the negative were:

Anderson	Davies	Lewis	Olson, A. G.	Stokowski
Arnold	Gearty	McCutcheon	Perpich, A. J.	Stumpf
Borden	Hughes	Merriam	Perpich, G.	Tennessen
Chenoweth	Humphrey	Moe	Schaaf	Wegener
Chmielewski	Kleinbaum	North	Solon	Willet
Coleman	Laufenburger	Olhoft	Spear	

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

S. F. No. 679, which the committee recommends to pass with the following amendment offered by Mr. Schrom:

Page 2, line 22, after "class" insert ", or such other person as is designated by the commissioner of public safety,"

Page 3, line 12, strike "or use"

H. F. No. 286, which the committee recommends to pass with the following amendment offered by Mr. Hughes:

Amend the amendment placed on H. F. No. 286 by the Committee on Education, adopted by the Senate March 20, 1975, as follows:

The amendment to page 1, line 11, strike "and insert "existing" "

The amendment to page 1, line 15, strike "and insert "existing" "

Page 2, line 14 amendment, strike "and insert "existing" "

In the title amendment to page 1, line 3, strike "and insert "existing" "

S. F. No. 303, which the committee recommends to pass with the following amendment offered by Mr. Perpich, A. J.:

Page 1, line 12, after "from" insert "any lake within"

Page 1, line 12, after "area" insert "and collapse or disassemble the portable fish house"

Page 1, line 13, strike "day." and insert "night. The owner or occupant shall remove the portable fish house from the boundary waters canoe area each time he exits the boundary waters canoe area."

H. F. No. 51, which the committee recommends to pass.

The question being taken on the committee recommendation to pass,

And the roll being called, there were yeas 34 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	North	Schaaf
Borden	Hansen, Baldy	Knutson	Ogdahl	Spear
Brataas	Hansen, Mel	Lewis	Olson, A. G.	Stassen
Coleman	Hughes	Merriam	Olson, J. L.	Stumpf
Conzemius	Humphrey	Milton	Perpich, A. J.	Tennessen
Davies	Josefson	Moe	Perpich, G.	Ueland
Doty	Keefe, S.	Nelson	Pillsbury	

Those who voted in the negative were:

Ashbach	Fitzsimons	Kowalczyk	O'Neill	Solon
Berg	Frederick	Larson	Patton	Wegener
Bernhagen	Gearty	Laufenburger	Purfeerst	Willet
Blatz	Hanson, R.	Olhoft	Schmitz	
Chmielewski	Keefe, J.	Olson, H. D.	Schrom	

The motion prevailed. So the committee recommended H. F. No. 51 to pass.

S. F. No. 160, which the committee recommends to pass with the following amendment offered by Mr. Hansen, Baldy:

Page 1, line 14, strike "*any agricultural credit*"

Page 1, strike line 15

Page 1, line 16, strike "*51A.02, subdivision 23,*"

Amend the title as follows:

Strike the comma at the end of line 2

Strike line 3

Line 4, strike "institutions"

The question being taken on the committee recommendation to pass.

And the roll being called, there were yeas 40 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Hanson, R.	Merriam	Pillsbury
Bang	Doty	Hughes	Milton	Schmitz
Berg	Dunn	Josefson	Moe	Schrom
Bernhagen	Fitzsimons	Keefe, J.	Nelson	Solon
Blatz	Frederick	Kleinbaum	Ogdahl	Stassen
Brataas	Gearty	Knutson	Olson, H. D.	Tennessen
Coleman	Hansen, Baldy	Kowalczyk	Patton	Ueland
Conzemius	Hansen, Mel	Laufenburger	Perpich, A. J.	Wegener

Those who voted in the negative were:

Humphrey	North	Olson, A. G.	Schaaf	Stumpf
Keefe, S.	Olhoft	Perpich, G.	Spear	Willet
Lewis				

The motion prevailed. So the committee recommended S. F. No. 160 to pass.

S. F. No. 244, which the committee recommends to pass with the following amendment offered by Mr. Tennessen:

Page 1, lines 9 and 10, strike "was organized prior to October 1, 1907" and insert "has a fee or leasehold interest in a concert hall having not less than 2,000 seats"

Page 1, lines 19 and 20, strike "was organized prior to January 1, 1884" and insert "has a fee or leasehold interest in a building which is used for a purpose for which the corporation is organized, and is located on or adjacent to public park lands"

Page 2, lines 10 and 11, strike "was organized prior to January 1, 1947" and insert "has a fee or leasehold interest in a building which is used for a purpose for which the corporation is organized, and is located within 750 feet from public park lands"

H. F. No. 412, which the committee recommends to pass with the following amendment offered by Mr. North:

Amend H. F. No. 412, as amended pursuant to Rule 49, adopted by the Senate April 3, 1975, as follows:

Strike the Rule 49 amendment and amend H. F. No. 412 as follows:

Page 2, line 26, delete "*shall be*" and restore the stricken language

Page 2, line 27, restore the stricken language and delete "*commissioner of securities*"

Page 2, line 28, restore the stricken language and delete "*commissioner*"

Page 3, line 3, delete "*assist in preparing*" and insert "*recommend to the commissioner of securities*"

Page 5, line 18, delete "*an*" and insert "*a nonpartisan*"

Page 14, line 3, delete "*June*" and insert "*July*"

Page 14, line 31, strike "*she*" and insert "*he*"

Page 20, delete lines 7 through 10

Renumber the remaining section

S. F. No. 375, which the committee recommends to pass with the following amendments offered by Mr. Olson, A. G.:

Mr. Olson, A. G. moved to amend S. F. No. 375 as follows:

Page 14, line 23, strike "*the*" and insert "*July 1, 1975*"

Page 14, line 24, strike "*effective date of this act*"

Mr. Olson, A. G. then moved to amend S. F. No. 375 as follows:

Page 17, line 23, strike the new language

Page 17, line 24, strike the new language

Mr. Conzemius moved that the report of the Committee of the Whole, as kept by the Secretary, be adopted.

Mr. Merriam requested that the report on S. F. No. 325 be divided out.

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

The motion prevailed. So the report was adopted.

Mr. Conzemius moved that S. F. No. 325 and the report thereon be laid on the table. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Messages From the House, First Reading of House Bills and Motions and Resolutions.

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. 186, 326, 409, 603, 701 and 737.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 10, 1975

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. 499: A bill for an act relating to insurance; authorizing an insurer to refuse to renew an automobile insurance policy under certain circumstances; amending Minnesota Statutes 1974, Section 65B.17.

Senate File No. 499 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 10, 1975

Mr. Laufenburger moved that the Senate do not concur in the amendments by the House to S. F. No. 499 and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 241, 666 and 794.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 10, 1975

FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred to the committees indicated.

H. F. No. 241: A bill for an act relating to waters and water safety; requiring scuba divers to place flags; amending Minnesota Statutes 1974, Chapter 361, by adding a section.

Referred to the Committee on Rules and Administration.

H. F. No. 666: A bill for an act relating to the city of Minneapolis; authorizing housing finance program; providing for the issuance of limited general obligation bonds.

Referred to the Committee on Rules and Administration.

H. F. No. 794: A bill for an act relating to labor; providing for the determination of prevailing wage rates for state financed projects and highway construction; providing penalties; amending Minnesota Statutes 1974, Sections 177.41; 177.42, Subdivision 2; 177.43, Subdivisions 4 and 5; and 177.44, Subdivisions 4 and 6.

Referred to the Committee on Labor and Commerce.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Wegener moved that the name of Mr. Olson, H. D. be added as chief author and the name of Mr. Renneke be added as second author to S. F. No. 1308. The motion prevailed.

Mr. Josefson moved that S. F. No. 461 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Finance. The motion prevailed.

CALL OF THE SENATE

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

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

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

RECONSIDERATION

Mr. Coleman moved that the vote whereby S. F. No. 161 failed to pass the Senate on April 7, 1975, be now reconsidered.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 40 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Larson	Olson, A. G.	Schrom
Arnold	Gearty	Laufenburger	Olson, H. D.	Solon
Borden	Hansen, Baldy	Lewis	Patton	Spear
Chenoweth	Hansen, Mel	McCutcheon	Perpich, A. J.	Stassen
Chmielewski	Hughes	Milton	Perpich, G.	Stokowski
Coleman	Humphrey	Moe	Purfeerst	Stumpf
Conzemius	Keefe, S.	North	Schaaf	Tennessen
Davies	Kleinbaum	Ogdahl	Schmitz	Willet

Those who voted in the negative were:

Ashbach	Blatz	Frederick	Merriam	Pillsbury
Bang	Brataas	Josefson	Nelson	Renneke
Berg	Dunn	Knutson	Olhoft	Ueland
Bernhagen	Fitzsimons	Kowalczyk	O'Neill	Wegener

The motion prevailed. So the vote was reconsidered.

S. F. No. 161: A bill for an act relating to highway traffic regulations; required equipment on certain vehicles; amending Minnesota Statutes 1974, Section 169.733.

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 18, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Olson, A. G.	Schrom
Arnold	Hansen, Baldy	Lewis	Olson, H. D.	Solon
Borden	Hansen, Mel	McCutcheon	Patton	Spear
Chenoweth	Hughes	Moe	Perpich, A. J.	Stassen
Chmielewski	Humphrey	Nelson	Perpich, G.	Stokowski
Coleman	Keefe, S.	North	Pillsbury	Stumpf
Conzemius	Kleinbaum	Ogdahl	Purfeerst	Tennessee
Davies	Kowalczyk	Olhoff	Schaaf	Willet
Doty				

Those who voted in the negative were:

Ashbach	Blatz	Frederick	Merriam	Schmitz
Bang	Brataas	Hanson, R.	O'Neill	Ueland
Berg	Dunn	Knutson	Renneke	Wegener
Bernhagen	Fitzsimons	Larson		

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 11:30 o'clock a.m., Monday, April 14, 1975. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate