

THIRTY-FIFTH DAY

St. Paul, Minnesota, Saturday, April 19, 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:

Arnold	Davies	Josefson	Nelson	Schaaf
Ashbach	Doty	Keefe, S.	North	Schmitz
Bang	Dunn	Kirchner	Ogdahl	Solon
Berg	Fitzsimons	Kleinbaum	Olhoft	Spear
Blatz	Frederick	Kowalczyk	Olson, A. G.	Stassen
Borden	Gearty	Larson	Olson, J. L.	Stokowski
Brataas	Hansen, Baldy	Laufenburger	O'Neill	Stumpf
Brown	Hansen, Mel	Lewis	Perpich, A. J.	Tennessen
Chenoweth	Hanson, R.	McCutcheon	Perpich, G.	Willet
Coleman	Hughes	Merriam	Pillsbury	
Conzemius	Humphrey	Moe	Purfeerst	

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

Prayer was offered by the Chaplain, Rev. Robert D. North.

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

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

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. Jensen, Patton, Schrom and Ueland were excused from the Session of today. Mr. Milton was excused from the Session of today

until noon. Mr. Pillsbury was excused from the Session of today from 10:30 o'clock a.m. until 1:30 o'clock p.m. Mr. Moe was excused from the Session of today at 11:30 o'clock a.m. Mr. McCutcheon was excused from the Session of today from 11:30 o'clock a.m. until 1:30 o'clock p.m. Mr. Hanson, R. was excused from this afternoon's Session. Messrs. Brown, Fitzsimons and Olson, J. L. were excused from the Session of today at 3:00 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 15, 1975

The Honorable Alec Olson
President of the Senate
State of Minnesota

Dear Sir:

The following appointment to the State Board of Human Rights is hereby submitted to the Senate for confirmation as required by law:

Cathy Clardy, 116 Circle High Drive, Burnsville, Dakota County, effective April 15, 1975, for a term expiring January 1, 1976.

Sincerely,
Wendell R. Anderson, Governor

Referred to the Committee on Governmental Operations.

April 18, 1975

The Honorable Alec Olson
President of the Senate
State of Minnesota

Dear Sir:

The following appointments to the Minnesota Higher Education Coordinating Commission are hereby submitted to the Senate for confirmation as required by law:

Mrs. Barbara Clark, Northfield, Rice County, effective February 15, 1975, for a term expiring February 15, 1979.

Donald Hamerlinck, Wadena, Wadena County, effective February 15, 1975, for a term expiring February 15, 1979.

Mrs. Judy Hamilton, 11309 Timberline Road, Minnetonka, Hennepin County, effective February 15, 1975, for a term expiring February 15, 1979.

Jack Lynch, 618 West 10th Street, Willmar, Kandiyohi County, effective February 15, 1975, for a term expiring February 15, 1979.

Harding C. Noblitt, 2014 South 4th Street, Moorhead, Clay County, effective February 15, 1975, for a term expiring February 15, 1979.

Sincerely,
Wendell R. Anderson, Governor

Referred to the Committee on Education.

April 18, 1975

The Honorable Alec Olson
President of the Senate
State of Minnesota

Dear Sir:

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

Edna Schwartz, P. O. Box 4042, St. Paul, Ramsey County, effective January 1, 1975, for a term expiring January 1, 1977.

Mr. C. E. Sheehy, Jr., 1505 Edgewater, St. Paul, Ramsey County, effective January 1, 1975, for a term expiring January 1, 1977.

Cornell Moore, 2727 Dean Boulevard, Minneapolis, Hennepin County, effective January 1, 1975, for a term expiring January 1, 1977.

Robert Bruce, 1106 Cedar, Albert Lea, Freeborn County, effective January 1, 1975, for a term expiring January 1, 1977.

Sincerely,
Wendell R. Anderson, Governor

Referred to the Committee on Governmental Operations.

April 17, 1975

The Honorable Alec Olson
President of the Senate

Sir:

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

S. F. No. 8, An act relating to all cities and towns in the counties of Marshall and Polk; authorizing a Warren hospital district formed in the counties of Marshall and Polk pursuant to Minnesota Statutes, Chapter 447, to exercise certain powers in addition to and in some cases in lieu of powers conferred by chapter 447; providing for the levy of taxes and issuance of bonds.

S. F. No. 186, An act relating to the fire department relief association of the city of Grand Rapids.

S. F. No. 194, An act relating to natural resources; authorizing the commission of natural resources to acquire land along canoe and boating routes.

S. F. No. 326, An act relating to real estate brokers and salespersons; providing licensure exemption for sellers of franchises; increasing education requirements; providing for reciprocity for licensees from other jurisdictions; modifying trust account requirements.

S. F. No. 409, An act relating to health; requiring coverage of emotionally handicapped children in health benefit plans.

S. F. No. 603, An act relating to retirement; survivor's benefits for survivors of a certain member of the Backus firemen's relief association.

S. F. No. 371, An act relating to the duties of the coroner in St. Louis county.

S. F. No. 701, An act relating to state lands; authorizing conveyance of certain parcel of land in Lincoln County.

S. F. No. 737, An act relating to the city of Eagan; volunteer firemen's service pensions.

Sincerely,
Wendell R. Anderson, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Keefe, S. introduced—

S. F. No. 1629: A bill for an act relating to education; higher education coordinating commission; establishing a pilot program to provide grants for college level or vocational training to 300 recipients of aid to families with dependent children; appropriating money.

Referred to the Committee on Education.

Mr. Keefe, S. introduced—

S. F. No. 1630: A bill for an act relating to public welfare; providing for a clothing supplement to be paid to newly employed recipients of aid to families with dependent children; appropriating money; amending Minnesota Statutes 1974, Chapter 256, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Keefe, S. introduced—

S. F. No. 1631: A bill for an act relating to elections; permitting a challenge to an absentee voter's qualifications and to the method of casting the vote; amending Laws 1975, Chapter 5, Section 93, Subdivision 4.

Referred to the Committee on Transportation and General Legislation.

Mr. Chmielewski introduced—

S. F. No. 1632: A bill for an act directing transfer of inmates

and staff and authorizing conveyance of certain state property under the control of the commissioner of corrections.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Keefe, S. introduced—

S. F. No. 1633: A bill for an act relating to corrections; authorizing the appointment of an employee of the department of corrections to serve as a voting member of the Minnesota corrections authority on a temporary basis; amending Minnesota Statutes 1974, Section 241.045, Subdivision 7.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Anderson; Keefe, J. and McCutcheon introduced—

S. F. No. 1634: A bill for an act relating to public improvements; allowing certain fees to discharge cancelled special assessments.

Referred to the Committee on Local Government.

Mr. Chmielewski introduced—

S. F. No. 1635: A bill for an act relating to real estate; changing the name of register of deeds and office of register of deeds to county recorder and office of county recorder.

Referred to the Committee on Local Government.

Messrs. O'Neill, Laufenburger and Bang introduced—

S. F. No. 1636: A bill for an act relating to insurance; clarifying the definition of insurance premium finance agreement; excluding certain agreements entered into by licensed insurance agents; amending Minnesota Statutes 1974, Sections 59A.02, Subdivision 2; and 59A.03, Subdivision 1.

Referred to the Committee on Labor and Commerce.

Messrs. Solon and Hansen, Baldy and Mrs. Brataas introduced—

S. F. No. 1637: A bill for an act relating to commerce; requiring prices on certain retail food packages.

Referred to the Committee on Labor and Commerce.

Mr. Perpich, A. J. introduced—

S. F. No. 1638: A bill for an act relating to taxation; providing for an exemption for certain property; amending Minnesota Statutes 1974, Section 272.02, by adding subdivisions.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Doty; Keefe, J. and Stumpf introduced—

S. F. No. 1639: A bill for an act relating to metropolitan transit; tax levies; authorizing issuance of general obligation tax anticipation certificates by the metropolitan transit commission; amending Laws 1975, Chapter 13, Section 71, Subdivision 1.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Doty, Kowalczyk and Tennesen introduced—

S. F. No. 1640: A bill for an act relating to taxation; permitting senior citizens to lower their base tax for purposes of the qualified property tax credit; amending Minnesota Statutes 1974, Section 273.011, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. Solon introduced—

S. F. No. 1641: A bill for an act relating to education; establishing a program of tuition supplements and equivalency credits for the Minnesota national guard and reserve units; appropriating money.

Referred to the Committee on Education.

Mr. Conzemius introduced—

S. F. No. 1642: A bill for an act relating to state employees; providing for transfers, relocation expenses, early retirement and the maintenance of benefits for state employees who have lost their positions because of the closing or phasing out of state institutions or facilities.

Referred to the Committee on Governmental Operations.

Mr. Moe, by request, introduced—

S. F. No. 1643: A bill for an act relating to education; curriculum; requiring the teaching of parliamentary procedure; amending Minnesota Statutes 1974, Chapter 126, by adding a section.

Referred to the Committee on Education.

Messrs. Chenoweth, Kirchner and Moe introduced—

S. F. No. 1644: A bill for an act relating to public welfare; establishing a senior companion pilot program; appropriating funds.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Chenoweth, Mrs. Brataas and Mr. Keefe, S. introduced—

S. F. No. 1645: A bill for an act relating to insurance; regulating

certain supplemental health insurance policies and their sale in this state; prescribing penalties; amending Minnesota Statutes 1974, Chapter 62A, by adding a section.

Referred to the Committee on Labor and Commerce.

Messrs. Olson, J. L.; Olson, H. D. and Ueland introduced—

S. F. No. 1646: A bill for an act relating to the legislature; establishing an interim study commission on expanded Amtrak passenger train service; appropriating money.

Referred to the Committee on Rules and Administration.

Mr. Wegener introduced—

S. F. No. 1647: A bill for an act relating to natural resources; powers of the commissioner; forest pest control; expanding volunteer programs; public access; commercial fishing on Lake Superior; decoys and erection of blinds on public lands; prescribing penalties for certain violations; amending Minnesota Statutes 1974, Sections 18.341, Subdivision 3; 18.391, Subdivision 1; 85.041, Subdivision 1; 97.48, Subdivision 15; 97.55, Subdivisions 1, 2, 3 and 4; 98.46, Subdivision 12; 98.47, Subdivision 9; 100.29, Subdivision 18; and 102.28, Subdivisions 2, 3 and 4; repealing Laws 1963, Chapter 70, Section 1.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Olhoft, Ogdahl and Stumpf introduced —

S. F. No. 1648: A bill for an act relating to housing finance agency; providing for loans for improving insulation of certain dwellings; amending Minnesota Statutes 1974, Chapter 462A, by adding a section.

Referred to the Committee on Governmental Operations.

Mr. McCutcheon introduced—

S. F. No. 1649: A bill for an act relating to armories; increasing the local tax levy limitation for construction of armories; amending Minnesota Statutes 1974, Section 193.145, Subdivision 2.

Referred to the Committee on Transportation and General Legislation.

Mr. McCutcheon introduced—

S. F. No. 1650: A bill for an act relating to armories; increasing the maximum amount allowed for armory construction costs; amending Minnesota Statutes 1974, Section 193.1431.

Referred to the Committee on Transportation and General Legislation.

Messrs. Olhoft, Dunn and Stumpf introduced—

S. F. No. 1651: A bill for an act relating to protection of the environment; prohibiting the distribution or sale of certain fluorocarbons within the state; providing penalties.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Pillsbury and Ogdahl introduced—

S. F. No. 1652: A bill for an act proposing an amendment to the Minnesota Constitution, adding new sections to Article V; requiring that executive duties be discharged by not more than 20 departments.

Referred to the Committee on Governmental Operations.

Mr. Chenoweth, for the Committee on Metropolitan and Urban Affairs, introduced—

S. F. No. 1653: A bill for an act relating to land planning in the metropolitan area; requiring local adoption of minimum plans and controls; providing for limited council review and acceptance prior to the adoption of such plans and controls; providing for an advisory metropolitan land planning committee; providing for the enforcement of adopted local plans and controls; including certain expenses in the definition of special levy; providing for interim zoning; amending Minnesota Statutes 1974, Section 462.355, by adding a subdivision; and Laws 1975, Chapter 13, Section 19, and by adding sections.

Under the rules of the Senate, laid over one day.

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. 587, 588 and 679.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 17, 1975

Mr. President:

I have the honor to announce the passage by the House of the following House Files herewith transmitted: H. F. Nos. 162, 350, 704, 777, 1175, 428, 638 and 1003.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 17, 1975

FIRST READING OF HOUSE BILLS

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

H. F. No. 162: A bill for an act relating to labor; providing that employers provide certain information with all payments of wage or salary; amending Minnesota Statutes 1974, Section 181.12.

Referred to the Committee on Labor and Commerce.

H. F. No. 350: A bill for an act relating to workmen's compensation; authorizing coverage for owners of family farms or family farm corporations; amending Minnesota Statutes 1974, Section 176.012.

Referred to the Committee on Rules and Administration.

H. F. No. 704: A bill for an act relating to the Minnesota zoological garden; enabling the state zoological board to acquire lands; authorizing the director to add to and promote the operation; establishing the Minnesota zoological garden operating receipts investment account; authorizing the investment of its assets; assigning income to the Minnesota zoological garden general account; defining "matching funds"; amending Minnesota Statutes 1974, Chapter 11, by adding a section; Sections 85A.02, Subdivision 12, and by adding subdivisions; 85A.03, Subdivisions 4, 4a, and by adding a subdivision; 85A.04, Subdivisions 1 and 2, and by adding subdivisions; and 85A.05, Subdivisions 4 and 6.

Referred to the Committee on Governmental Operations.

H. F. No. 777: A bill for an act relating to governmental operations; use of local and state government vehicles; prohibiting the use of state and local government vehicles for non-governmental functions.

Referred to the Committee on Rules and Administration.

H. F. No. 1175: 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.

H. F. No. 428: A bill for an act relating to education; teachers; providing time for consideration of contract; amending Minnesota Statutes 1974, Section 125.12, Subdivision 2.

Referred to the Committee on Education.

H. F. No. 638: A bill for an act relating to boxing; amending certain boxing commission rules; amending Minnesota Statutes 1974, Sections 341.04; 341.05, Subdivision 1; 341.10; and 341.11.

Referred to the Committee on Labor and Commerce.

H. F. No. 1003: A bill for an act relating to animals; providing for admission of the public to establishments having custody

of stray animals seized by public authority; requiring public notice of seized animals prior to sale or destruction; amending Minnesota Statutes 1974, Section 35.71, Subdivision 3.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S. F. No. 866 and the reports pertaining to appointments to the State Ethics Commission. The motion prevailed.

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

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.

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

Page 2, line 25, after the comma insert "*provided that in any event mailed notice of all hearings required under this chapter shall also be sent to the actual owners of such property to the same extent and in the same manner provided for owners of property located in an area to be served by the system outside of any city,*"

Page 3, line 8, strike "*a county*" and insert "*the county board or boards and the court for areas located outside any city*"

Page 3, after line 8, insert:

"Sec. 3. Minnesota Statutes 1974, Section 116A.01; is amended by adding a subdivision to read:

Subd. 5. [EXCLUSION OF LAND FROM AREA TO BE SERVED.] After any land has been included in the area to be served by any public water or sewer or combined system or in a district formed under section 5 of this act, the county board, or if two or more county boards are involved, the court, upon petition of the county boards or the commission formed under section 116A.24, may at any time order the exclusion from such area or district of any land that has not been specially assessed under section 116A.17, upon determining that the land is contiguous to land located outside the area or district and will not be served by such system, provided that either the owner or owners of the land first consent to the exclusion, or the proposed exclusion first be considered at one of the public hearings required under this chapter and be made a part of the order thereafter required of the board or court or at a separate public hearing on the proposed exclusion after notice of the hearing has been given in the manner and to the extent required in section 116A.08, subdivision 1."

Page 4, after line 30, insert:

"Sec. 7. Minnesota Statutes 1974, Section 116A.19, is amended by adding a subdivision to read:

Subd. 5. [ADDITIONAL SURETY BONDS.] Whenever any appeal from an order of the board or court is taken under section 116A.19, any involved county or, if two or more counties are involved and a commission is formed under section 116A.24, the commission, may move the court having jurisdiction over the appeal for an order requiring the appellant, or appellants, to file a surety bond as herein-after set forth. Three days written notice of the motion shall be given. If the court determines that loss or damage to the public or taxpayers may result from the pendency of the appeal, the court may require the appellant, or appellants, to file a surety bond, which shall be approved by the court, in such amount as the court may determine. The bond shall be conditioned for payment to the county, or commission, of any loss or damage which may be caused to the county, the commission or the taxpayers by the pendency of the appeal, to the extent of the penal sum of such bond, if the appellant, or appellants, shall not prevail therein. If the surety bond is not filed within a reasonable time allowed therefor by the court, the appeal shall be dismissed with prejudice. If such appellant, or appellants, file a bond as herein required and prevail in the appeal, any premium paid on the bond shall be repaid by or taxed against the county or commission."

Page 11, after line 18, insert:

"Sec. 14. Minnesota Statutes 1974, Section 116A.24, Subdivision 4, is amended to read:

Subd. 4. A commission appointed to construct, operate, and maintain any system pursuant to this section, when authorized by order of the county board or, in the case of a multi-county system, by orders of the county boards of all counties containing areas served by the system, filed with and confirmed by order of the district court, may exercise to the extent provided in the orders, within the area served by the system and any extensions thereof, or if a district has been formed under section 5 of this act, within the district, all powers granted in this chapter to county boards and the court for the financing of the construction, improvement, extension, operation, and maintenance of the system, including the power to levy taxes upon all taxable property within such area, to assess benefits and damages, and to issue general obligation bonds and certificates of indebtedness of the commission, supported by an irrevocable pledge of its power to tax such property, without limitation of rate or amount and without affecting the amount of debt to be incurred or taxes levied by any county or other political subdivision. Such authorization shall be irrevocable so long as any indebtedness of the commission is outstanding.

Sec. 15. This act shall become effective on the day following its final enactment."

Renumber the sections.

Amend the title as follows:

Line 5, before the semicolon, insert ", and by adding a subdivision"

Line 6, after "8;" insert "116A.19, by adding a subdivision;"

Line 8, after "1" strike "and 2" and insert ", 2 and 4"

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. 747: A bill for an act relating to crimes; specifying the acts constituting the offense of possession of shoplifting devices or gear; prescribing penalties; amending Minnesota Statutes 1974, Chapter 609, by adding a section.

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

Page 1, line 11, strike "*other instrumentality*" and insert "*instrument specially designed to assist in shoplifting*"

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. 840: A bill for an act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; amending Minnesota Statutes 1974, Section 363.06, Subdivision 1; and Chapter 363, by adding a section.

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

Page 1, line 22, strike "*aggrieved*" and insert "*prevailing*"

Page 1, line 22, strike "*shall*" and insert "*may*"

Page 1, line 24, after the period insert

"An action under this section shall be commenced within one year of the alleged discriminatory act."

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. 1296: A bill for an act relating to insurance; making more certain which group insurance policies and subscriber contracts are required to provide insurance coverage to employees after termination of employment; extending the period for certain notices to terminated employees; requiring certain group insurance policies to provide for optional conversion to an individual policy after group coverage terminates; amending Minnesota Statutes 1974, Sections 62A.16; and 62A.17, Subdivisions 2 and 5, and by adding a subdivision.

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

Page 2, line 6, after "employer" insert "*or designated agent of his employer*"

Page 2, line 8, strike "re-employed" and insert "*insured*"

Page 2, line 17, strike "of such" and insert "*after*"

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. 306: A bill for an act relating to courts; authorizing county boards to direct county and municipal courts to hold conciliation court sessions during the evening and on Saturday and at specified locations throughout the county or municipality; amending Minnesota Statutes 1974, Sections 487.30; 488A.13, Subdivision 5; 488A.30, Subdivision 4; and 491.02.

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

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

S. F. No. 779: A bill for an act relating to hearing aids; providing a penalty; amending Minnesota Statutes 1974, Chapter 145, by adding a section; repealing Minnesota Statutes 1974, Section 145.43, Subdivision 3.

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

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

S. F. No. 935: A bill for an act relating to courts; providing that conciliation courts of county courts may conduct personal receiverships; amending Minnesota Statutes 1974, Section 487.30.

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

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

S. F. No. 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.

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

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

S. F. No. 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.

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

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

S. F. No. 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.

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

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

S. F. No. 765: A bill for an act relating to insurance; defining certain unfair discriminatory practices; amending Minnesota Statutes 1974, Section 363.03, by adding a subdivision.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 72A.20, Subdivision 1, is amended to read:

72A.20 [METHODS, ACTS AND PRACTICES WHICH ARE DEFINED AS UNFAIR OR DECEPTIVE.] Subdivision 1. [SCHEDULE OF UNFAIR METHODS.] The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:

(1) [MISREPRESENTATIONS AND FALSE ADVERTISING OF POLICY CONTRACTS.] Making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial condition of any insurer, or as to the legal reserve system upon which any life insurer operates, or using any name or title of any policy or class of policies misrepresenting the true nature thereof, or making any misrepresentation to any policyholder insured in any company for the purpose of inducing or tending to induce such policyholder to lapse, forfeit, or surrender his insurance;

(2) [FALSE INFORMATION AND ADVERTISING GENERALLY.] Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station, or in any other way, an advertisement, announcement, or statement, containing any assertion, representation, or statement with respect to the business of insurance, or with respect to any person in the conduct of his insurance business, which is untrue, deceptive, or misleading;

(3) [DEFAMATION.] Making, publishing, disseminating, or circulating, directly or indirectly, or aiding, abetting, or encouraging the making, publishing, disseminating, or circulating of any oral or written statement or any pamphlet, circular, article, or literature which is false, or maliciously critical of or derogatory to the financial condition of an insurer, and which is calculated to injure any person engaged in the business of insurance;

(4) [BOYCOTT, COERCION AND INTIMIDATION.] Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion, or intimidation, resulting in or tending to result in unreasonable restraint of, or monopoly in, the business of insurance;

(5) [FALSE FINANCIAL STATEMENTS.] Filing with any supervisory or other public official, or making, publishing, disseminating, circulating, or delivering it to any person, or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false statement of financial condition of an insurer with intent to deceive;

(6) [FALSE ENTRIES.] Making any false entry in any book, report, or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs, or, with like intent, wilfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report, or statement of such insurer;

(7) [STOCK OPERATIONS AND ADVISORY BOARD CONTRACTS.] Issuing or delivering, or permitting agents, officers, or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance;

(8) [DISCRIMINATION.] Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of annuity or in the dividends or other benefits pay-

able thereon, or in any other of the terms and conditions of such contract or in making or permitting the rejection of an individual's application for life insurance coverage, as well as the determination of the rate class for such individual, unless the claims experience and actuarial projections and other data establish significant and substantial differences in class rates because of the disability;

(9) [DISCRIMINATION BETWEEN INDIVIDUALS OF THE SAME CLASS.] Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever, or in making or permitting the rejection of an individual's application for accident or health insurance coverage, as well as the determination of the rate class for such individual, unless the claims experience and actuarial projections and other data establish significant and substantial differences in class rates because of the disability;

(10) [REBATES.] Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract of life insurance, annuity, or accident and health insurance, or agreement as to such contract, other than as plainly expressed in the contract issued thereon, or paying or allowing or giving, or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving or selling or purchasing, or offering to give, sell, or purchase, as inducement to such insurance or annuity, or in connection therewith, any stocks, bonds, or other securities of any insurance company or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract;

(11) [APPLICATIONS TO CERTAIN SECTIONS.] Any violation of any provision of the following sections of this chapter not set forth in clauses (1) to (10) of this subdivision: section 72A.12, subdivisions 2, 3, and 4, section 72A.16, subdivision 2, sections 72A.03 and 72A.04, section 72A.08, subdivision 1 as modified by section 72A.08, subdivision 4, and section 65B.13;

(12) [UNFAIR SERVICE.] Causing or permitting with such frequency to indicate a general business practice the claims and complaints of insureds to be processed in an unreasonable length of time, or in an unfair, deceptive, or fraudulent manner, or in violation of such regulations as the commissioner of insurance shall make in the public interest to insure the prompt, fair, and honest processing of such claims and complaints."

Further amend the title as follows:

Page 1, line 4, after "Section" strike "363.03, by adding a" and insert "72A.20, Subdivision 1."

Page 1, strike line 5.

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. 168: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIII, Section 5, permitting state run organized gambling.

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

Page 1, line 11, strike "*law*" and insert "*legislature*"

Page 1, line 18, strike "1974" and insert "1976"

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

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

S. F. No. 169: A bill for an act relating to gambling; creating a gambling commission; defining its powers and duties; legalizing gambling and providing for complete operation and regulation thereof by the state; appropriating money.

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

Page 4, line 5, strike "No"

Page 4, strike lines 6 and 7

Page 4, line 8, strike "to the legislature" and insert "The commission shall review each bill introduced in the legislature which authorizes gambling and make recommendation to the legislature with regard to each bill"

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

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

S. F. No. 921: A bill for an act relating to railroads; providing for toilet facilities in certain railroad company motor vehicles; amending Minnesota Statutes 1974, Section 219.562, Subdivision 1; repealing Minnesota Statutes 1974, Section 219.562, Subdivision 2.

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

Page 2, line 2, strike "*more than two hours*"

Page 2, line 3, strike "*driving time away*" and insert "*to and*"

Page 2, after line 3, insert:

“(f) In the event of emergency arising from common disaster or adverse weather, such as flooding, washout, excessive snow or icing, or derailment or defect in track requiring prompt repair, motor vehicles which do not meet the above standards may be used only for the duration of the emergency.”

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. 1437: A bill for an act creating a legislative commission to study the Minnesota usury law; appropriating money therefor.

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

Page 1, line 15, before “the” insert “organized labor, the business community,”

Page 1, line 16, after the period add “The advisory committee shall not be larger than sixteen members.”

Page 2, line 8, after the period insert “Members of the advisory committee appointed pursuant to section 2, shall serve without compensation but shall be allowed and paid their actual traveling and other expenses necessarily incurred in the performance of their duties.”

Page 2, line 15, after the dollar sign, insert “10,000”

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

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

S. F. No. 1109: A bill for an act relating to economic development; establishing an office of business assistance; appropriating money.

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

Page 2, line 14, strike “\$35,000” and insert “\$70,000”

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

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

S. F. No. 230: A bill for an act relating to credit unions; application fees for new state chartered credit unions; amending Minnesota Statutes 1974, Section 52.01.

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

Amend the title as follows: page 1, line 2, after "unions;" insert "raising"

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. 1112: A bill for an act relating to small business; creating a small business loan fund; providing for the issuance and sale of small business assistance bonds; providing for loans to small business concerns; creating a small business loan advisory council; providing for the setting aside of certain state procurements from normal bidding procedures and placing with small business concerns; exempting new or expanded commercial and industrial facilities of small business concerns from certain taxes; appropriating money.

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

Page 14, line 20, strike "\$65,000" and insert "\$126,000"

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

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

S. F. No. 866: A bill for an act relating to liquor; abolishing the office of liquor control commissioner and transferring the powers and duties thereof to the departments of public safety and revenue; amending Minnesota Statutes 1974, Chapter 299A, by adding a section; Sections 340.08, Subdivisions 1 and 2; 340.09, Subdivision 1; 340.44; 340.47, Subdivision 2; 340.485, Subdivision 1; and 340.492; repealing Minnesota Statutes 1974, Sections 340.08, Subdivision 3; 340.401, Subdivision 7; 340.485, Subdivision 4; and 340.491.

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

Page 6, line 24, after "revenue" insert "except by sections 6, 7, and 8"

And when so amended the bill do pass. Mr. Gearty questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

H. F. No. 111: A bill for an act relating to the Indian affairs commission; increasing the number of members authorized to ap-

prove expenses; amending Minnesota Statutes 1974, Section 3.922, Subdivision 3.

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

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

S. F. No. 1185: A bill for an act relating to transportation; creating the Minnesota state transportation fund and authorizing the issuance of state bonds to provide money for appropriation to state agencies and subdivisions to finance public lands, buildings, and capital improvements needed for a balanced state transportation system; appropriating money for this purpose.

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

Page 3, strike line 2 and insert "state planning agency and the proper regional development commission under the"

Page 3, line 4, strike "Minnesota Statutes, Chapters 473A and 473B" and insert "Laws 1975, Chapter 13, Sections 1 to 42"

Page 3, line 9, strike "state planning agency" and insert "commissioner of highways or another state agency"

Page 3, strike line 10 and insert "subdivisions of the state, the state agency"

Page 3, line 17, strike "planning"

Page 3, line 18, strike everything after "(3)"

Page 3, line 19, strike "corporate existence separate from that of the state,"

Page 3, line 22, strike "agency or"

Page 3, line 27, strike "agency or"

Page 3, line 32, strike "or agency"

Page 4, line 5, strike "state planning agency" and insert "commissioner of highways or other state agency administering the grants"

Page 4, line 22, strike "planning agencies" and insert "development commissions"

Page 4, line 24, strike "and for recommendation to the state planning agency"

Page 8, line 15, strike "state planning agency" and insert "commissioner of highways"

Page 8, line 17, strike "for county road" and insert "on the county state aid highway system"

Page 8, line 18, strike "systems"

Page 8, line 19, strike "state planning agency" and insert "commissioner of highways"

Page 8, line 21, strike "for municipal road" and insert "on the municipal state aid street system"

Page 8, line 22, strike "systems"

Page 9, line 1, after "section 1." insert "The commissioner of finance is directed, upon request of the commissioner of highways, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 167.52 and under the provisions of the Minnesota Constitution, Article XI, Section 5 and Article XIV, Section 11, at such times and in such amounts as may be requested by the commissioner of highways. Bonds issued under the authority of this section shall not exceed the aggregate principal amount of \$56,000,000. The proceeds of the bonds are appropriated to the trunk highway fund and shall be used for the purposes specified in the Minnesota Constitution, Article XIV, Section 2.

Further, amend the title as follows:

Page 1, line 9, after "purpose" insert "; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of the Minnesota Constitution, Article XI, Section 5, and Article XIV, Section 11; authorizing the expenditure of the proceeds thereof and appropriating money in connection therewith"

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

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

S. F. No. 963: A bill for an act relating to insurance; prohibiting offsets in certain contracts for disability benefits received or receivable under the federal Social Security Act; amending Minnesota Statutes 1974, Chapter 62A, by adding a section; Sections 62B.06, Subdivision 2; 62C.14, by adding a subdivision; 62D.12, by adding a subdivision; and 64A.31, by adding a subdivision.

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

Page 1, line 19, before "*disability*" insert "*any increase in*"

Page 1, line 19, strike "*retirement*"

Page 1, line 20, before the period insert "*subsequent to the date of commencement of such benefit*"

Page 2, line 19, before "*disability*" insert "*any increase in*"

Page 2, line 19, strike "*retirement*"

Page 2, line 20, before the period insert "*subsequent to the date of commencement of such benefit*"

Page 2, line 30, before "*disability*" insert "*any increase in*"

Page 2, line 31, strike "*retirement*"

Page 2, line 32, before the period insert "*subsequent to the date of commencement of such benefit*"

Page 3, line 8, before "*disability*" insert "*any increase in*"

Page 3, line 8, strike "*retirement*"

Page 3, line 10, before the period insert "*subsequent to the date of commencement of such benefit*"

Page 3, line 19, before "*disability*" insert "*any increase in*"

Page 3, line 19, strike "*retirement*"

Page 3, line 20, before the period insert "*subsequent to the date of commencement of such benefit*"

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. 637: A bill for an act relating to county courts; establishing the manner of disposition of fines, fees and other moneys; amending Minnesota Statutes 1974, Section 487.33, Subdivision 5.

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

Page 1, line 17, after "*violations*" insert "*for which complaints and warrants have not been issued*"

Page 2, after line 4, insert

"Sec. 2. Minnesota Statutes 1974, Section 487.33, is amended by adding a subdivision to read:

Subd. 6. All fines, fees and penalties for parking violations collected prior to the effective date of this subdivision shall be retained as property of the cities in possession on that date, if collected pursuant to agreement with the county or on the basis of a municipal ordinance establishing a parking use or other fee."

Amend the title as follows:

Page 1, line 5, before the period, insert ", and by adding a subdivision"

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. 892: A bill for an act relating to crimes; application of the prohibitions of the crime of conspiracy to persons outside the state; amending Minnesota Statutes 1974, Section 609.175, Subdivision 3.

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

Page 1, line 10, restore the stricken word "if"

Page 1, lines 10 to 12, strike the new language

Page 1, line 20, strike the period and insert "; or"

Page 1, after line 20 insert

"(4) The defendant in this state conspires with another in this state."

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. 746: A bill for an act relating to crimes; making it a crime to alter or remove owner's identification numbers on property; amending Minnesota Statutes 1974, Section 609.655.

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

Page 1, line 12, after "or" insert ", with intent to prevent identification of the property involved,"

Page 1, line 13, after "number" insert "*or owner's identification number*"

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. 468: A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law, providing that workmen's compensation payments are not salary; venue in law suits to be Ramsey county; monthly benefits payable to a public body under certain circumstances; if spouse survives a deceased annuitant, annuity shall be paid through date of death and survivor benefits to commence with first day following date of death; disability benefits to be reduced by amounts paid under workmen's compensation law after deduction of attorney fees; amending Minnesota Statutes 1974, Sections 353.01, Subdivisions 10 and 24; 353.08; 353.15; 353.29, Subdivisions 7 and 8; 353.31, Subdivision 8; 353.32, Subdivision 5; 353.33, Subdivisions 2, 5, and 7; 353.46, Subdivision 3; 353.656, Subdivisions 1 and 2; and 353.657, by adding a subdivision.

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

Page 1, after line 20, add a new section to read:

"Section 1. Minnesota Statutes 1974, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Government-

al subdivision" means a county, city, town, school district within this state, or a department or unit of state government, the League of Minnesota Municipalities, or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.711; or any port authority organized pursuant to chapter 458; or any soil conservation district organized pursuant to chapter 40; or any hospital district organized or reorganized prior to the effective date of this act pursuant to legislation enacted by the 1959 Legislature."

Page 2, after line 14, add new sections to read:

"Sec. 4. Minnesota Statutes 1974, Chapter 353, is amended by adding a section to read:

[353.017] [EMPLOYEES OF LABOR ORGANIZATIONS.] *Subdivision 1. [QUALIFICATIONS.] A former member of the association who is an employee of a labor organization that represents public employees who are association members may elect pursuant to subdivision 2 to be a coordinated member with respect to his service with such labor organization unless specifically exempt under section 353.01, subdivision 2b.*

Subd. 2. [ELECTION.] A person described in subdivision 1 will be covered by the association if written election to be covered is delivered to the board before July 1, 1976 or within 30 days of being employed by such labor organization, whichever is later.

Subd. 3. [CONTRIBUTIONS.] The employee, employer and additional employer contributions shall be the obligation of the employee who elects coverage herein in accord with chapter 353; provided, however, the employer, labor organization, may pay the employer and additional employer contributions. The employer shall, in any event, deduct the necessary contributions from the employee's salary and remit all contributions to the public employees retirement association pursuant to section 353.27, subdivisions 4, 7, 10, 11, and 12.

Subd. 4. [PURCHASE OF PRIOR SERVICE CREDIT.] Any former member who elects membership pursuant to this section shall be allowed to make payment for service rendered prior to July 1, 1975 in a labor organization designated in subdivision 1 provided the organization makes satisfactory certification of such service. Payment shall be limited to five years of service beginning with the service last rendered and shall include all employee, employer and additional employer contributions at the rates in effect when the service was rendered plus interest at the rate of six percent per annum from the year of purchase to the date payment is made. Payment must be made in one lump sum prior to July 1, 1980 or prior to retirement, whichever is earlier, and no allowable service with respect to such payment shall be credited to the employee's account until payment is received in the public employees retirement association office.

Subd. 5. [BOARD MEMBERSHIP EXCLUDED.] Persons who become association members pursuant to this section shall not be eligible for election to the board of trustees.

Sec. 5. Minnesota Statutes 1974, Section 353.03, is amended by adding a subdivision to read:

Subd. 2a. [EXTENSION OF TERMS.] Notwithstanding the provisions of subdivision 1, no board election shall be held in the year 1975 and the terms of office of all board members are hereby extended for one year.

Sec. 6. Minnesota Statutes 1974, Section 353.03, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS; EMPLOYEES; BYLAWS.] The board shall elect a chairman and vice chairman, and shall appoint a ~~secretary~~ an executive director and such other employees and may adopt bylaws, ~~retain an approved actuary~~ and procure other services as it may reasonably deem necessary and fix their compensation subject to subdivision 2 hereof. Except in subdivision 3a, whenever the terms "secretary," "secretary of the board" or "secretary of the board of trustees" appear in this chapter the revisor of statutes is herein directed to substitute therefor, "executive director."

Sec. 7. Minnesota Statutes 1974, Section 353.03, is amended by adding a subdivision to read:

Subd. 3a. [DUTIES AND POWERS OF THE EXECUTIVE DIRECTOR.] The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as adviser to the board on all matters pertaining to the association. He shall also act as the secretary of the board. It is the duty of the executive director and he has the power to:

- (1) Attend all meetings of the board;*
- (2) Prepare and recommend to the board rules and regulations for the purpose of carrying out the provisions of chapter 353;*
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;*
- (4) Designate an assistant director with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter, and with the approval of the board fix their compensation;*
- (5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;*
- (6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and fix the compensation therefor. Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16. Professional management services may not be contracted for more often than once in every six years. Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management*

surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;

(7) With the approval of the board provide inservice training for all employees of the association;

(8) Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in chapter 353;

(9) Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said chapter;

(10) Pay annuities, refundments, survivor benefits, salaries and all necessary operating expenses of the association;

(11) Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by Minnesota Statutes, Chapter 356;

(12) With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business.

Sec. 8. Minnesota Statutes 1974, Section 353.03, is amended by adding a subdivision to read:

Subd. 5. [APPLICATION OF LAWS.] Laws applicable to state agencies and agencies with state-wide jurisdiction shall not be construed to apply to the association unless such laws make specific reference to this subdivision; provided, however, the applicable provisions of Minnesota Statutes, Chapters 355 and 356 shall apply to the association."

Page 3, line 7, after "refund." insert "Upon the request of a retired, disabled or former member, the association may mail the annuity, benefit or refund check to a banking institution, savings association or credit union for deposit to such person's account or joint account with his spouse."

Page 3, line 25, after "to" insert "the"

Page 3, line 25, after "of" insert "such"

Page 3, line 25, after "through" insert "the"

Page 6, after line 31, add a new section to read:

"Sec. 18. Minnesota Statutes 1974, Section 353.37, is amended to read:

353.37 [PUBLIC RE-EMPLOYMENT OF ANNUITANT; EFFECT ON ANNUITIES.] The annuity of a person otherwise eligible therefor under this chapter shall be suspended if he re-enters and as long as he remains in public service as a non-elective employee of a governmental subdivision, if his earned compensation for such service exceeds \$2,000 \$3,000 in any calen-

dar year. The suspension of the annuity shall commence as of the first of the month in which the maximum permitted compensation is exceeded as herein provided, but shall not apply to any months in which the annuitant is not actually employed in non-elective service in a position covered by chapter 353. Any annuitant of the association, who is elected to public office after his retirement following June 30, 1959 shall be entitled to hold such office and receive his annuity otherwise payable from the public employees retirement association from and after July 1, 1959. Upon proper showing by an annuitant that this ineligibility no longer exists, the monthly annuity payments shall be resumed. Public service performed by an annuitant subsequent to his retirement under this chapter does not increase or decrease any annuity when payments thereof are resumed. The annuitant is not required to make any further contributions to the retirement fund by reason of this subsequent public service."

Page 9, after line 1, add new sections to read:

"Sec. 23. Minnesota Statutes 1974, Section 353.71, is amended by adding a subdivision to read:

Subd. 5. [EARLY RETIREMENT.] The requirements and provisions for retirement prior to age 65 contained in section 353.30, subdivisions 1 and 1a shall also apply to a person fulfilling such requirements with a combination of service as provided in subdivision 1.

Sec. 24. *This act is effective July 1, 1975.*"

Renumber the sections accordingly.

Further, amend the title as follows:

Page 1, line 14, after "Subdivisions" insert "6," and after "24;" insert "353.03, Subdivision 3, and by adding subdivisions;"

Page 1, line 17, after "7;" insert "353.37;"

Page 1, line 18, after "2;" delete "and"

Page 1, line 19, after "subdivision" insert " ; 353.71, by adding a subdivision; and Chapter 353, by adding a section"

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. 349: A bill for an act relating to retirement; computation of legislative annuities; miscellaneous changes in the Minnesota state retirement system law; amending Minnesota Statutes 1974, Chapters 3A; 352; and 352B, by adding sections; Sections 3A.01, Subdivisions 2 and 4; 3A.02, Subdivisions 1, 3, and 4; 3A.04, Subdivisions 1 and 2; 3A.05; and 3A.10, Subdivision 1; 352.01, Subdivision 17; 352.03, Subdivisions 4, 11, and by adding a subdivision; 352.04, by adding a subdivision; 352.113, Subdivisions 1, 5, and 12; 352.115, Subdivisions 2, 10, and 11;

352.12, Subdivisions 1, 2, 6, 7, 8, and 11; 352.15; 352.22, Subdivisions 3 and 8; 352.72, Subdivision 2, and by adding subdivisions; 352.91, by adding a subdivision; 352.93, Subdivision 1; 352B.03, Subdivisions 1 and 2; 352D.015, Subdivision 9; 352D.02, Subdivisions 1 and 3; 352D.05, Subdivision 3; 352D.06, Subdivisions 1 and 2; 352D.065, Subdivisions 2 and 3; and 352D.075, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Sections 352.28; 352.32; 352.38; 352.715; 352B.01, Subdivision 5; 352B.021; 352B.04; 352D.015, Subdivision 10; 352D.05, Subdivision 2; 352D.065, Subdivision 1; 352D.075, Subdivision 1; and 352D.085, Subdivision 2.

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

Page 1, line 32, after "legislature" insert "*or former legislator*"

Page 2, line 2, strike "member of the legislature" and insert "*legislator*"

Page 2, line 4, strike "member of the legislature's" and insert "*legislator's*"

Page 2, line 5, after "legislature" insert "*or former legislator*"

Page 2, line 21, strike "member of the legislature" and insert "*former legislator*"

Page 3, line 3, strike "period of his service" and insert "*final term of office*"

Page 3, line 4, strike "since January 1, 1973,"

Page 3, line 21, strike "retire" and insert "*terminate service*"

Page 3, line 22, strike "who retires"

Page 3, line 23, strike "after January 1, 1973"

Page 3, line 23, strike "*Clause*" and insert "*Clauses (1) and*"

Page 3, line 25, after the period, insert "*Any former legislator who was in office on or after January 1, 1965, who had at least eight years of service but less than ten years of service as a member of the legislature, and who took a refund of his contributions, may upon application to the director repay to the director for credit to his account all refundments taken plus interest thereon at six percent per annum compounded annually. Upon repayment of the refundment, he shall then be entitled when otherwise qualified to a retirement allowance pursuant to subdivision 1, provided however that the retirement allowance shall be based on his salary at the time of his termination of service as a member of the legislature.*"

Page 4, strike line 7

Page 4, after line 16, add a new section to read:

"Sec. 6. Minnesota Statutes 1974, Section 3A.03, Subdivision 2, is amended to read:

Subd. 2. [REFUNDMENT.] (1) Any person who has made contri-

butions pursuant to subdivision 1 who is no longer a member of the legislature and has less than eight years service as a member of the legislature and is not receiving, has not received, or is not entitled to receive any allowance or benefit under sections 3A.01 to 3A.10 is entitled to receive upon application to the director a refundment of all contributions credited to his account without interest thereon. The moneys required for such refundments are appropriated annually to the director from the general fund in the state treasury.

(2) The refundment of contributions as provided in clause (1) above terminates all rights of a former member of the legislature or his survivors under sections 3A.01 to 3A.10. Should the former member of the legislature again be a member of the legislature after having taken a refundment as provided above, he shall be considered a new member. However, such new member may receive credit for the services rendered as a prior member of the legislature providing he complies with the requirements of section 3A.02, subdivision 2, and in addition thereto, pays interest at the rate of five percent per annum on the amount of his prior refundment, which he repays reinstate the rights and credit for service forfeited, provided the new member repays all refundments taken plus interest thereon at six percent per annum compounded annually.

(3) No person shall be required to apply for or accept a refundment."

Page 6, line 11, after the period, insert "*With respect to applications made after July 1, 1975, no payment shall be retroactive for more than 12 months prior to the month the application is filed with the director.*"

Page 6, line 29, strike "*who has at least eight years of legislative*"

Page 6, line 30, strike "*service and*"

Page 8, after line 5, add a new section to read:

"Sec. 12. Minnesota Statutes 1974, Section 43.051, Subdivision 1. is amended to read:

43.051 [AGE FOR RETIREMENT.] Subdivision 1. Notwithstanding the provisions of sections 197.45, 197.46, 197.47, 43.30, effective July 1, 1974, an officer or employee of the state of Minnesota in the classified or unclassified service of the state civil service and who is subject to the provisions of the Minnesota state retirement system must retire from his employment by the state if such officer or employee has reached the age of 68 prior to July 1, 1974, or upon reaching the age of 68. Effective July 1, 1975, an officer or employee of the state of Minnesota in the classified or unclassified service of the state civil service and who is subject to the provisions of the Minnesota state retirement system must retire from his employment by the state if such officer or employee has reached the age of 65 prior to July 1, 1975, or upon reaching the age of 65. The mandatory retirement age for all other classified officers and employees of the state, if not otherwise provided for by law, shall be 70. Nothing in this subdivision shall apply to persons in the legislative branch or the judicial branch."

Page 9, strike line 32

Page 10, strike lines 1 through 5

Page 12, line 7, delete "\$2,500" and insert "\$3,000"

Page 12, line 12, delete "\$2,500" and insert "\$3,000"

Page 17, line 26, delete "administration" and insert "finance"

Page 21, strike lines 14 through 32

Page 22, strike lines 1 through 19

Page 22, line 29, after "service" insert "and shall be applicable to employees retiring after July 1, 1974"

Page 23, line 2, after "be" insert "not less than the benefit"

Page 27, line 19, after the period, insert "This subdivision shall also be applicable to any person who was an employee in an eligible position on or after January 1, 1975, has terminated service before the effective date of this act with less than ten years of allowable service, and has not taken a refund of his contributions."

Page 31, after line 32, insert a new section to read:

"Sec. 52. Notwithstanding the provisions of Minnesota Statutes, Section 352.115, Subdivision 10, a permanent employee of the legislature who has been paid a retirement annuity from the Minnesota state retirement system for a period of time and who desires to reinstate the allowable service credit upon which the annuity is based and to be covered by the Minnesota state retirement system for his current period of employment shall be entitled to such service credit and coverage upon repayment in a lump sum to the retirement fund within 90 days after the effective date of this act an amount equal to (1) the total of the retirement annuities paid him and (2) the employee contributions due on his salary as required by section 352.04 together with interest thereon at the rate of six percent per annum. Upon repayment there shall be transferred from the adjustable fixed benefit fund to the retirement fund an amount equal to the amount transferred to the adjustable fixed benefit fund on behalf of that employee at his earlier date of retirement less an amount equal to the annuities paid to the employee. Upon subsequent retirement of that employee, his retirement annuity shall be computed on the basis of his total allowable service and the law then in effect."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 3, after "annuities;" insert "mandatory age for legislative employees;"

Page 1, line 7, after "Subdivisions 1, 3 and 4;" insert "3A.03, Subdivision 2;"

Page 1, line 9, after "Subdivision 1;" insert "43.051, Subdivision 1;"

Page 1, line 11, strike "352.04, by adding a subdivision;"

Page 1, line 15, delete "subdivisions" and insert "a subdivision"

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. 741: A bill for an act relating to regulated industries; department of public service; confidentiality of accident reports submitted by common carriers; railroad crossings; subjecting accommodation transportation to regulation; fees; permitting the department to grant extension of authority *ex parte*; identification cars; enforcement powers; offenses; registration; warehouses; warehousemen; weights and measures; providing penalties; amending Minnesota Statutes 1974, Sections 218.031, Subdivision 2; 219.39; 221.011, Subdivisions 16 and 22; 221.061; 221.071; 221.121; 221.131; 221.141; 221.151, Subdivision 1, and by adding a subdivision; 221.221; 221.291; 221.293; 221.296, Subdivisions 4, 5 and 8; 221.64; 231.01, Subdivision 5; 231.02; 231.16; and 239.38; repealing Minnesota Statutes 1974, Sections 221.191; 239.39; 239.40; 239.41; 239.42; 239.43; and 239.45.

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

Page 2, line 12, after "*reports*" insert "*administered by the department of public safety*"

Page 2, line 13, delete "*by the department*"

Page 2, line 14, after the period insert "*All other reports shall be open to public inspection but shall not be admissible in evidence in any suit or action for damages growing out of such accident, wreck or casualty.*"

Page 3, after line 8, insert the following:

"Sec. 3. Minnesota Statutes 1974, Section 219.40, is amended to read:

219.40 [DETERMINATION; ORDER; FLAGMEN OR SAFETY DEVICE.] The department shall decide the matter set forth in the complaint and make a ~~report~~ *proposal for decision* in writing thereof, including findings of fact, and make such *proposed* order as it shall deem proper in the premises and, if the department shall find the crossing to be dangerous, it may require the railroad company complained of to provide flagmen at such crossing, or adopt such safety device as the department may deem necessary for the proper protection of the crossing, or it may require the removal of any structure, embankment or other obstruction to the view, or it may require the crossing complained of or other crossing in the vicinity thereof closed, or it may require the railroad company to construct an overhead or maintain an underground crossing and divide the cost thereof between the railroad company, the town, county, municipal corporation, or state highway department interested, on such terms and conditions as to the department may seem just and equitable. Where the railroad has been constructed or the grade thereof lowered after the laying out of the highway

and the railroad tracks are seven feet or more below the natural surface of the ground, the department may require the maintenance of an overhead bridge with suitable approaches and require the complaining city, village, town, or county to remove any embankment, structure or other obstruction to the view as may be reasonable and necessary to properly protect the crossing; provided, that no highway shall be laid out over any railroad so as to cross at the same grade until such crossing has been approved by the department. *If the complainant or the railroad files exceptions to a proposal for a decision made without a hearing, the department shall convene a hearing* and if the department of public service after notice and hearing orders the installation of a safety device, or the construction, reconstruction, modernization or replacement of major parts, as defined by the department, of said safety device, gates, or other type of special protection, or the removal of a structure, embankment or other obstruction to the view, or orders the construction, reconstruction or maintenance of an underground or overhead crossing on any public road, street, or highway, it may in the same order direct that the costs thereof be divided between the railroad company and the public authority involved on such basis as the parties may agree, or, if they fail to agree, then the costs thereof shall be as determined by the department of public service on the basis of benefit to the users of each; or the department may defer determination of the division of costs to a subsequent order to be made on the basis of evidence previously taken. Where a state trunk highway is involved, the state's share of the costs shall be paid from any funds available to the department of highways. In all other cases the public's share of the costs shall be paid from available funds or from the Minnesota highway safety account, if ordered by the department, or from any combination of the above or other available funds; provided that any highway, street or road fund shall only be expended for such costs on a highway, street or road within the political subdivision charged with the maintenance and cars thereof and only upon the highways, streets or roads for which the fund was allocated, or for which the fund was created."

Page 4, line 28, strike "unwashed"

Page 9, strike lines 11 and 12

Page 9, line 13, strike "carrier."

Page 10, line 25, strike "truck-tractors" and insert "power units"

Page 10, line 28, strike "truck-tractors" and insert "power units"

Page 10, line 30, strike "truck-tractor" and insert "power unit"

Page 10, line 32, strike "displayed on" and insert "carried in"

Page 10, line 32, strike "truck-tractor" and insert "power unit"

Page 11, line 2, strike "truck-tractor" and insert "power unit"

Page 16, line 26, delete "at"

Page 16, line 29, after "circumstances" insert "anywhere within the state"

Page 26, line 15, strike "221.191;"

Page 26, line 16, before "239.43" insert "and"

Page 26, line 16, delete "; and 239.45"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, strike "regulated industries;" and insert "the"

Page 1, line 12, after "219.39;" insert "219.40;"

Page 1, line 19, strike "221.191;"

Page 1, line 19, after "239.42;" insert "and"

Page 1, line 19, after "239.43" delete the semicolon

Page 1, line 20, delete "and 239.45"

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. 1283: A bill for an act relating to the university of Minnesota; appropriating money for corn improvement research by the department of agronomy and plant genetics.

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

Page 1, lines 8 and 9, strike "exclusively by the department of agronomy and plant genetics" and insert "by the Minnesota Agricultural Experiment Station"

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. 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.

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. 896: A bill for an act relating to field archaeology; regulating field archaeology on state sites; defining terms, providing for the appointment of a state archaeologist and prescribing his powers and duties; prescribing the powers and duties of the director of the

Minnesota historical society pertaining to field archaeology; amending Minnesota Statutes 1974, Sections 138.31, Subdivisions 2, 5, 9, and 10; 138.32; 138.33; 138.34; 138.35; 138.36; 138.37, Subdivisions 1 and 2; 138.38; 138.39; and 138.40; repealing Minnesota Statutes 1974, Sections 138.31, Subdivision 8; and 138.37, Subdivision 3.

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

Strike all of sections 2 through 12 and insert:

"Sec. 2. Minnesota Statutes 1974, Section 138.35, Subdivision 1, is amended to read:

138.35 [STATE ARCHAEOLOGIST.] Subdivision 1. [APPOINTMENT.] The state archaeologist shall be a professional archaeologist ~~on the staff of the university~~ and shall be appointed *for a four year term by the director of the Minnesota historical society for a four year term from nominees recommended by the council for Minnesota Archaeology, Inc., or its successor. The office of the state archaeologist shall be attached to the Minnesota historical society. The state archaeologist shall report directly to the director of the society.*"

Renumber the remaining sections

Amend the title as follows:

Line 3, strike "defining terms,"

Strike lines 10 and 11

Line 12, strike "2; 138.38" and insert "Subdivision 2; 138.35, 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. 1321: A bill for an act relating to tax forfeited land; authorizing the county board to sell certain land to veterans for the purpose of homesteading; amending Minnesota Statutes 1974, Sections 282.031; 282.032; 282.0331 and 282.037.

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

Page 1, line 13, strike "after" and insert "*during the period*"

Page 1, line 14, after "1961" insert "*to July 27, 1973*"

Page 2, line 16, strike "after" and insert "*during the period*"

Page 2, line 16, after "1961" insert "*to July 27, 1973*"

Page 4, line 14, strike "*The rate*"

Page 4, strike lines 15 and 16

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. 413: A bill for an act relating to natural resources; authorizing acquisition of perpetual conservation restrictions by the commissioner of natural resources and certain nonprofit corporations; amending Minnesota Statutes 1974, Sections 84.64, Subdivision 1; and 84.65, 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 84.64, Subdivision 1, is amended to read:

84.64 [CONSERVATION RESTRICTIONS.] Subdivision 1. *A conservation restriction for a definite period or in perpetuity may be acquired by:*

(a) The commissioner of natural resources, in the name of the state, ~~may acquire~~ by gift, purchase or exchange, ~~conservation restrictions~~ with funds specifically made available for that purpose ; or

(b) *A nonprofit charitable corporation whose purposes include conservation of land or water areas.*

Sec. 2. Minnesota Statutes 1974, Section 84.65, Subdivision 1, is amended to read:

84.65 [CONSERVATION RESTRICTIONS; EFFECT OF RECORDING; RELEASE OF RESTRICTIONS; ENFORCEMENT.] Subdivision 1. No conservation restriction as defined in section 84.64 held by the commissioner of natural resources *or a nonprofit charitable corporation* shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land. *Nonprofit charitable corporations acquiring such conservation restrictions shall file a notice of each such acquisition with the department of natural resources within 90 days.* All restrictions shall be duly recorded and indexed in the office of the register of deeds or the registrar of titles for the county where the land lies so as to affect its title, in the manner of other conveyances of interests in land, and shall describe the land subject to the restrictions by adequate legal description or by reference to a recorded plat showing its boundaries.

Sec. 3. Minnesota Statutes 1974, Section 84.65, Subdivision 3 is amended to read:

Subd. 3. The restrictions may be released, ~~in whole or in part, by the holder for consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interests in land, subject to conditions as may have been imposed at the time of creation of the restriction, conveyed in the same manner as any other interest in land.~~ Notwithstanding any other provision to the contrary, a restriction may be released by the holder of the restriction or the dominant interest to the holder of the fee title or the servient interest. In the event a corporation, defined in section 84.64,

subdivision 1(b), no longer holds a license to do business in Minnesota, and said corporation has made no provision for the disposition of a conservation restriction held by it, the conservation restriction shall revert to and vest in the state of Minnesota and be administered by the commissioner of natural resources.

Sec. 4. *This act is effective the day following its final enactment.*"

Amend the title as follows:

Page 1, line 7, strike "Subdivision 1" and insert "Subdivisions 1 and 3"

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

Mr. Arnold from the Committee on Finance, 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 "15" and insert "14"

Page 1, line 12, strike "15" and insert "14"

Page 1, line 21, strike "15" and insert "14"

Page 4, strike lines 11-32

Page 5, strike lines 1-14

Renumber the remaining sections in sequence

Page 8, line 2, strike "be in the form prescribed by the commissioner"

Page 8, line 3, strike "and shall"

Page 8, line 8, strike "FINGERPRINTING;" and strike "The chief"

Page 8, strike lines 9-11

Page 8, line 12, strike "fingerprints"

Page 8, line 12, strike "contact the" and insert "check"

Page 8, line 13, strike "state bureau of criminal apprehension for"

Page 8, line 14, after "applicant" insert "through the Minnesota Crime Information System computer"

Page 8, line 14, strike "An"

Page 8, strike lines 15-19

Page 8, line 22, strike "5" and insert "4"

Page 9, line 6, strike "in the form prescribed by"

Page 9, line 7, strike "the commissioner and shall be"

Page 9, line 8, strike "quadruplicate" and insert "triplicate"

Page 9, line 10, strike "quadruplicate" and insert "triplicate"

Page 9, line 13, strike "commissioner and the"

Page 9, line 14, strike "second copy to the"

Page 9, line 18, strike "third" and insert "second"

Page 9, line 19, strike "fourth" and insert "third"

Page 9, line 20, strike "commissioner and"

Page 9, line 21, strike "their copies" and insert "its copy"

Page 10, line 19, strike "6" and insert "5"

Page 10, line 26, strike "6" and insert "5"

Page 10, line 30, strike "6" and insert "5" and strike "7" and insert "6"

Page 11, line 2, strike "5" and insert "4"

Page 11, line 11, strike "6" and insert "5"

Page 11, line 25, strike "6" and insert "5"

Page 12, line 13, strike "5" and insert "4"

Page 12, line 15, strike "commissioner who shall then advise the"

Page 12, line 16, after "permit" strike "to"

Page 12, line 17, strike "the commissioner"

Page 14, line 3, strike "dealer's license," and after "permit" strike the comma

Page 14, line 4, strike "registration"

Page 14, line 4, strike "request a hearing before" and insert "appeal the denial to the county court having jurisdiction over the county or municipality wherein the denial occurred. The matter shall be heard de novo without a jury."

Page 14, strike lines 5-14

Page 14, line 16, strike "9" and insert "8"

Page 14, line 31, after "to" and before "shall" strike "14" and insert "13" and after "shall" insert "not"

Page 14, line 32, after "prohibit" insert "more restrictive"

Further amend the title as follows:

Page 1, line 3, strike "requiring licenses"

Page 1, line 4, strike "to sell pistols;"

And when so amended the bill be re-referred, without recommendation, to the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

S. F. No. 675: A bill for an act relating to commerce; regulating the relationship between gasoline retail dealers and other petroleum enterprises; 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. Minnesota Statutes 1974, Section 80C.01, is amended by adding a subdivision to read:

Subd. 17. "Motor vehicle fuel dealer" means any person engaged in the retail sale of gasoline products to members of the public under a marketing agreement entered into with a supplier, other than a person who is an employee of a supplier.

Sec. 2. Minnesota Statutes 1974, Section 80C.01, is amended by adding a subdivision to read:

Subd. 18. "Motor vehicle fuel marketing agreement" means an agreement between a supplier and a dealer under which the dealer is granted the right to use a trademark, trade name, service mark, or other identifying symbol or name owned by the supplier. Marketing agreement also means an agreement between a supplier and a dealer by which the dealer is granted the right to occupy premises owned, leased or controlled by the supplier, for the purpose of engaging in the retail sale of motor vehicle fuel products supplied by the supplier or any other agreement whereby a dealer may market motor vehicle fuel.

Sec. 3. Minnesota Statutes 1974, Section 80C.01, is amended by adding a subdivision to read:

Subd. 19. "Service station" means any site equipped for the sale and dispensing of gasoline into vehicles of members of the public.

Sec. 4. Minnesota Statutes 1974, Section 80C.01, is amended by adding a subdivision to read:

Subd. 20. "Motor vehicle fuel supplier" means any person engaged in the sale, consignment, or distribution of gasoline products at wholesale to dealers and who maintains a contractual relationship with a dealer or dealers for the sale of the products, at wholesale or retail, and shall include any subsidiary or affiliated corporation in which it holds at least ten percent voting control.

Sec. 5. Minnesota Statutes 1974, Section 80C.04, is amended by adding a subdivision to read:

Subd. 3. The public offering statement to be used in connection with the offer, sale, or grant of motor vehicle fuel marketing agreements shall contain the following information:

(a) *A copy of the proposed marketing agreement.*

(b) *A summary of the obligations of the supplier and dealer together with a summary of the marketing agreement referred to in clause (a).*

(c) *Any offer for the sale or other disposition of the location subject to the marketing agreement or negotiations which might result in an offer, sale or other disposition of the location.*

(d) *Any agreement that would result in the demolition or a major alteration of the condition of the location, or negotiations that would proceed an agreement to demolish or otherwise materially alter the condition of the location.*

(e) *A statement disclosing the interest and the nature thereof enjoyed by the supplier in the location and, further, a disclosure of any other interest and the nature thereof enjoyed by any other person in said location.*

(f) *Full disclosure of the total amount of any security deposits required, plus the amount of interest that shall be paid on any cash security deposit, and the conditions for the return of any security deposit.*

(g) *The training program, if any, and the specific goods and services the supplier will provide for and to the dealer.*

(h) *The gallonage volume history, if any, of the location under negotiation for and during the three year period immediately past or for the entire period for which the location has been supplied by the supplier, whichever is shorter.*

(i) *The name and last known address of the previous dealer or dealers for the last five years or for and during the entire period for which the location has been supplied by the supplier, whichever is shorter, and the reason or reasons of the supplier where an afore-described relationship has ended by cancellation.*

Sec. 6. Minnesota Statutes 1974, Section 80C.13, is amended by adding a subdivision to read:

Subd. 4. (a) *A supplier shall not cancel a motor vehicle fuel marketing agreement except for one or more of the following grounds:*

(1) *A mutual agreement between the parties;*

(2) *The bankruptcy or insolvency of the dealer;*

(3) *The dealer's failure to act in good faith in carrying out the terms of his marketing agreement with the supplier;*

(4) *A good faith voluntary or involuntary decision by the supplier to discontinue doing business at the service station site;*

(5) *Decline in annual sales from the service station site below the figure set forth in the marketing agreement or otherwise agreed to by the parties in writing when the marketing agreement is signed. The foregoing shall not apply to declines that materially result from extrinsic physical changes, such as those resulting from highway con-*

struction, construction on the premises or changes in highway routes, but not limited thereto.

(b) The supplier shall exercise any right of cancellation above by giving written notice to the dealer in person or by certified mail of his intent to terminate or cancel at least 60 days prior to the date on which he intends to terminate or cancel the marketing agreement; provided, however, that where criminal misconduct, fraud, abandonment, bankruptcy or insolvency of the dealer, adulteration of product, or the giving of a nonsufficient fund check which remains dishonored for a period of ten days after notice, which notice shall be effective on the fifth day after the date of mailing, is proven at the time of termination or cancellation, the 60 day notice shall not be required. Where notice is given by certified mail, the notice shall be effective on the date of mailing.

(c) The notice required for cancellation shall include a statement of reasons setting forth the basis of the proposed cancellation and shall provide the dealer a reasonable opportunity to rectify any default constituting the basis for cancellation. In no event shall the time in which rectification is allowed be less than 30 days. The notice of cancellation shall be void upon rectification of the matters set forth in the statement of reasons for cancellation. However, the supplier need not afford an opportunity to rectify the default constituting the basis for cancellation if the dealer has repeatedly committed serious defaults of the motor vehicle fuel marketing agreement and the supplier has notified the dealer of these defaults.

Sec. 7. Minnesota Statutes 1974, Section 80C.13, is amended by adding a subdivision to read:

Subd. 5. (a) Except as provided in paragraph (b), either party to a motor vehicle fuel marketing agreement may refuse to renew the marketing agreement upon giving the other party notice of his intent not to renew at least 90 days prior to the expiration of the marketing agreement.

(b) Where the supplier and the dealer have been parties to one or more marketing agreements extending for three consecutive years, or where the dealer has sold the same brand name motor vehicle fuel for such period, or where the dealer has been in business as a motor vehicle fuel dealer in the same location for such period and the supplier has obtained the interest of the prior supplier to that location, the supplier shall either automatically renew the existing marketing agreement or, in good faith, offer another marketing agreement, different either in its terms or location. This obligation of the supplier shall also apply whenever the supplier and the dealer have had any marketing agreement written or otherwise in existence as of August 1, 1973, and any of the relationships mentioned above have been effective for a period of one year thereafter. However, this obligation of the supplier shall not apply where the supplier would have a right to cancel his relationship with the dealer under any of the provisions of subdivision 4.

Sec. 8. Minnesota Statutes 1974, Section 80C.13, is amended by adding a subdivision to read:

Subd. 6. A supplier shall not take retaliatory action against a dealer who files or manifests an intent to file a complaint of alleged violation of state or federal law by the supplier with the appropriate state or federal regulatory authority. Retaliatory action shall include, but shall not be limited to, a refusal to continue the franchise agreement, a reduction in the quality or quantity of services or products available to the dealer under the franchise agreement, any violation of privacy, harassment or the inducing or attempt to induce others to engage in retaliatory actions against the dealer.

Sec. 9. Minnesota Statutes 1974, Section 80C.14, is amended to read:

80C.14 [UNFAIR PRACTICES.] *Subdivision 1. No person, whether by means of a term or condition of a franchise or otherwise, shall engage in any unfair or inequitable practice in contravention of such rules as the commissioner may adopt defining as to franchises the words "unfair and inequitable". Any violation of this section is enjoined by a court of competent jurisdiction.*

Subd. 2. No supplier, whether by means of a term or condition of a motor vehicle fuel marketing agreement or otherwise, shall engage in any unfair or inequitable practice. Unless a motor vehicle fuel marketing agreement includes the following provisions, among others, it shall be deemed unfair and inequitable. Any violation of this section is enjoined by a court of competent jurisdiction.

(a) The dealer shall have the right to cancel his marketing agreement until midnight of the seventh business day after the day on which the agreement was signed, by giving the supplier in person or by certified mail written notice of cancellation, provided that any money, equipment, or merchandise loaned, sold, or delivered to the dealer is returned to the supplier for full credit, or cash equivalent, together with the delivery of full possession of the service station location to the supplier within ten days after delivery of notice.

(b) The right of either party to trial by jury or the interposition of counterclaims or crossclaims shall not by agreement be waived.

(c) The price at which the dealer sells products shall not be fixed or maintained by the supplier, nor shall he seek to do so, nor shall the price of products be subject to enforcement or coercion by the supplier in any way, provided that nothing herein shall be construed to prohibit a supplier from suggesting prices.

(d) No dealer shall be required to use or utilize any promotion, premium, coupon, give-away, or rebate in the operation of the business. Except as otherwise provided by law, nothing herein shall be construed to prohibit the dealer from voluntarily participating financially in promotion, premium coupon, give-away, or rebate sponsored by the supplier.

(e) In the event of any termination or cancellation, whether by mutual agreement or otherwise, the supplier shall be required to

purchase from the dealer within 30 days from the date of termination at the then current wholesale prices any and all merchantable products purchased by the dealer from the supplier; provided, however, that in the event of purchase, the supplier shall have the right to apply the proceeds against any existing indebtedness owed to him by the dealer and that the repurchase obligation is enforceable to the extent that there are not other valid claims or liens against the products by or on behalf of other creditors of the dealer.

(f) No supplier shall unreasonably withhold his consent to any assignment, transfer, or sale of a marketing agreement.

(g) No supplier shall restrict or inhibit, directly or indirectly, the right of free association among dealers for any lawful purpose.

(h) No supplier shall require a dealer to assent to a release or waiver of the dealer's rights hereunder.

(i) The supplier may set forth in the franchise agreement the required number of hours per day and days per week that the dealer must maintain his retail outlet open for business; however, the supplier shall not unreasonably withhold consent to a modification of such requirements where dictated by changes of circumstances.

(j) The supplier may set forth in the marketing agreement prohibitions and limitations on the conduct of any other business at the service station site by the dealer, including a charge for additional rent where another business is permitted and conducted; however, the supplier shall not:

(1) Unreasonably withhold its consent to the performance of another business;

(2) Impose unreasonable limitations on the dealer's ability to perform another business; or

(3) Charge an unreasonable rent for the conduct of another business, considering the fair rental value of the site and any imposition upon the supplier's business.

(k) Require a surety deposit except for the purpose of securing against loss of or damage to real or personal property. Any security deposit required of the dealer may be satisfied by the deposit of cash or a pledge of a savings account or its equivalent in a Minnesota banking institution. Such security deposit shall be held by the banking institution and the supplier in a fiduciary capacity only, for the benefit of the dealer.

(l) No supplier doing business in this state and engaged in the sale, consignment or distribution, other than at retail, of any motor vehicle fuel shall discriminate between its dealers by selling motor vehicle fuel at a lower price or rate to one dealer than offered to another dealer within this state, other than at retail, after making allowance for the difference, if any, in the grade, quality, or quantity, and after equalizing the distance from point of distribution and freight costs therefrom. This prohibition shall embrace any scheme of special rebates, collateral contracts, or any device of any nature which in substance violates the provisions of this subdivision."

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

"A bill for an act relating to commerce; franchises; amending Minnesota Statutes 1974, Sections 80C.01, by adding subdivisions; 80C.04, by adding a subdivision; 80C.13, by adding subdivisions; and 80C.14."

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. 1110: A bill for an act relating to motor vehicles; authorizing the issuance of personalized license plates; prescribing additional charges therefor; amending Minnesota Statutes 1974, Section 168.12, by adding a subdivision.

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

Page 1, line 13, strike "\$30" and insert "\$50"

Page 1, line 22, strike "*a timely*" and insert "*an*"

Page 1, line 23, after "*them*" insert the following: "*at least thirty days prior to the first date on which his registration can be renewed*"

Page 2, line 6, after the period, insert the following: "*Notwithstanding the provisions of subdivision 1 of this section, personalized license plates issued pursuant to this subdivision may be transferred to another motor vehicle upon the payment of a fee of \$5, which fee shall be paid into the state treasury and credited to the highway user tax distribution fund. The registrar may by regulation provide a form for such notification.*"

The fee prescribed for personalized license plates shall be paid only in those years in which the number plate itself is issued, and shall not be payable in any year in which a year plate, tab or sticker is issued in lieu of a number plate.

All fees from the sale of personalized license plates shall be paid into the state treasury and credited to the highway user tax distribution fund."

Page 2, after line 6, insert:

"Sec. 2. *This act is effective November 15, 1976, for the year 1977 and subsequent years.*"

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

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

S. F. No. 942: A bill for an act relating to the collection, security and dissemination of data on individuals by the state and its political subdivisions; clarifying necessary definitions; changing reporting requirements; restructuring the duties of responsible authori-

ties and the rights of subjects of data; providing for issuance of rules relating to the implementation of the act by the commissioner of administration; providing for the establishment of a state privacy board; providing penalties; amending Minnesota Statutes 1974, Sections 15.162; 15.163; 15.165; 15.166; 15.167; and Chapter 15, by adding sections; repealing Minnesota Statutes 1974, Sections 15.164 and 15.168.

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

Page 2, line 1, strike “(b) maintained in the records of governmental agencies and”

Page 2, strike lines 2 to 8 and insert:

“(b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency; (c) data which supplies the basis for the diagnosis of the psychiatric condition of an individual as determined by a licensed physician.”

Page 2, line 17, after the period insert *“In the case of a minor individual under the age of 18, “individual” shall mean a parent or guardian acting in a representative capacity, except where such minor individual indicates otherwise.”*

Page 10, line 1, reinstate the stricken comma

Page 10, line 2, reinstate the stricken language

Page 10, line 6, reinstate the stricken language

Page 10, line 14, reinstate the stricken language

Page 10, line 15, reinstate the stricken language

Pages 11 to 13, strike all of section 8 and insert:

“Sec. 8. Minnesota Statutes 1974, Chapter 15, is amended by adding a section to read:

[15.169] [PRIVACY STUDY COMMISSION.] *Subdivision 1. There is hereby created a privacy study commission consisting of 4 members, 2 of whom shall be appointed by the committee on committees, and 2 of whom shall be appointed by the speaker of the house. The commission shall act from the time its members are appointed until the commencement of the 1977 regular session of the legislature. Any vacancy shall be filled by the appointing power.*

Subd. 2. [ORGANIZATION AND PROCEDURE.] At its first meeting the commission shall elect a chairman, a vice-chairman and such other officers from its membership as it may deem necessary. The commission shall adopt rules governing its operation and the conduct of its meetings and hearings, which rules are not subject to the provisions of the administrative procedure act.

Subd. 3. [DUTIES AND POWERS.] The commission shall make a

continuing study and investigation of data on individuals collected, stored, used and disseminated by political subdivisions, state agencies, statewide systems and any other public or private entity in the state of Minnesota the commission may deem appropriate for such study and investigation. The powers and duties of the commission shall include, but are not limited to the following:

(1) The holding of meetings at times and places it designates to accomplish the purposes set forth in this act. The commission may hold hearings at times and places convenient for the purpose of taking evidence and testimony to effectuate the purposes of this act, and for those purposes the commission may, through its chairman by a three-fourths vote of its members, issue subpoenas, including subpoenas duces tecum, requiring the appearance of persons, production of relevant records and the giving of relevant testimony. In the case of contumacy or refusal to obey a subpoena issued under the authority herein provided, the district court in the county where the refusal or contumacy occurred may, upon complaint of the commission, punish as for contempt the person guilty thereof.

(2) The study of all data on individuals collected, stored, used or disseminated in the state of Minnesota including, but not limited to that collected, stored, used or disseminated by any political subdivision, state agency or statewide system in order to determine the standards and procedures in force for the protection of private and confidential data on individuals. In conducting such study, the commission shall:

(a) determine what executive orders, attorney general opinions, regulations, laws or judicial decisions govern the activities under study and the extent to which they are consistent with the rights of public access to data on individuals, privacy, due process of law and other guarantees in the Constitution.

(b) determine to what extent the collection, storage, use or dissemination of data on individuals is affected by the requirements of federal law.

(c) examine the standards and criteria governing programs, policies and practices relating to the collection, storage, use or dissemination of data on individuals in the state of Minnesota.

(d) collect and utilize to the maximum extent practicable, all findings, reports, studies, hearing transcripts, and recommendations of governmental legislature, and private bodies, institutions, organizations and individuals which pertain to the problems under study by the commission.

(3) The recommendation to the legislature of the extent, if any, to which the requirements and principles of this act should be applied to information practices in existence in the state of Minnesota by legislation, administrative action or voluntary adoption of such requirements and principles, and report on such other legislative recommendations as it may determine to be necessary to protect the privacy of individuals while meeting the legitimate needs of government and society for information.

Subd. 4. [OFFICE.] The commission shall maintain an office in the capitol group of buildings in space provided by the commissioner of administration.

Subd. 5. [SUPPLIES; STAFF.] The commission may purchase equipment and supplies and employ such professional, clerical, and technical assistants from the senate and house staff as it deems necessary in order to perform the duties herein prescribed. The commission may invite consultants and other knowledgeable persons to appear before it and offer testimony and compensate them appropriately.

Subd. 6. [ASSISTANCE OF OTHER AGENCIES.] The commission may request any information including any data on individuals from any political subdivision, statewide system, or state agency or any employee thereof in order to assist in carrying out the purposes of the act, and notwithstanding any law to the contrary, such employee or agency is authorized and directed to promptly furnish any such data or information requested.

Subd. 7. [EXPENSES, REIMBURSEMENT.] Members of the commission shall be compensated as provided in Minnesota Statutes, Section 3.102.

Subd. 8. [PENALTIES FOR DISCLOSURE.] (1) Any member, assistant or staff of the commission who, by virtue of his employment or official position, has possession of, or access to, agency records which contain private or confidential data on individuals the disclosure of which is prohibited by law, and also knowing or having reason to know that disclosure of such data is prohibited, willfully discloses such data in any manner to any person or agency not entitled to receive it shall be guilty of a misdemeanor.

(2) Any member, assistant or staff of the commission who knowingly and willfully requests or obtains any private or confidential data on individuals under false pretenses the disclosure of which such person is not entitled by law shall be guilty of a misdemeanor.

Subd. 9. [REPORT TO THE LEGISLATURE.] The commission shall report its findings and recommendations to the legislature as soon as they are available, in any case not later than November 15, 1976, and may supplement them thereafter until January 15, 1977. One copy of the report shall be filed with the secretary of the senate, one copy with the chief clerk of the house of representatives and ten copies with the legislative reference library.

Subd. 10. [APPROPRIATION.] There is appropriated from the general fund the sum of \$20,000 or as much thereof as necessary, to pay the expenses incurred by the commission. Expenses of the commission shall be approved by the chairman or another member as the rules of the commission provide and paid in the same manner that other state expenses are paid."

Page 11, lines 16 and 17, strike "state privacy board" and insert "privacy study commission"

Amend the title as follows:

Page 1, line 11, strike "state privacy board" and insert "privacy study commission"

Page 1, line 12, after "penalties;" insert "appropriating money;"

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

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

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.

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

Strike everything after the enacting clause and insert the following:

"Section 1. Laws 1973, Chapter 691, Section 4, Subdivision 1, is amended to read:

Sec. 4. [ST. PAUL, CITY OF; OFFICERS COMPENSATION.] Subdivision 1. Notwithstanding any provision of law or the St. Paul city charter to the contrary, the city of St. Paul shall have the power, from and after the effective date of this section, to fix in term and refix from time to time the compensation of all duly elected officers under its charter. Such compensation shall be fixed by ordinance passed upon in the manner provided for by the charter of the city of St. Paul, provided that no ordinance increasing compensation of elected officials may be passed during the last three months of any term of office. Except for the initial fixing of compensation authorized as provided herein, no subsequent fixing of compensation shall be prescribed to take effect during the term of office for which the elected officials shall have been elected. *The city of St. Paul is authorized to provide by ordinance, adopted in the manner provided for by the charter of the city of St. Paul, that compensation of all duly elected officers under its charter be increased by an amount not to exceed \$2,000, provided that the ordinance is enacted and becomes effective prior to December 31, 1975.*"

Further amend the title:

Page 1, line 4, after "Subdivision" strike "3" and insert "1"

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

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

S. F. No. 1057: A bill for an act relating to unemployment compensation; defining the term employment; excluding certain legislative employees from coverage; amending Minnesota Statutes 1974, Section 268.04, Subdivision 12.

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

Page 13, line 10, strike "for the duration of a legislative session" and insert "as temporary employees"

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. 135: A bill for an act relating to education; providing for aids to post-secondary vocational education and for tax levies; changing the funding of post-secondary vocational education to a current funding basis; appropriating money; amending Minnesota Statutes 1974, Sections 121.21, Subdivisions 2 and 6; 124.11; 124.17, Subdivisions 1 and 2; 124.18, Subdivision 2; 124.57; 275.-125, Subdivision 3, and by adding subdivisions; Chapter 124, by adding sections; Laws 1967, Chapter 822, Section 7, as amended; Laws 1969, Chapters 775, Section 4, Subdivision 2, as amended; 1060, Section 7; and Laws 1971, Chapter 722, Section 1; repealing Minnesota Statutes 1974, Sections 121.21, Subdivisions 5, 7, 9, and 10; and 121.211; Laws 1969, Chapters 95, Section 3; and 1060, Section 8.

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

Strike everything after the enacting clause and insert the following:

"Section 1. Notwithstanding Laws 1974, Chapter 521, Section 33, districts qualifying for increased foundation aid calculated pursuant to the provisions of Laws 1974, Chapter 521, Section 18, shall be eligible to receive such foundation aid for the 1973-74 school year.

Sec. 2. Notwithstanding section 124.17, subdivision 2, pupils enrolled in the Minnesota National Guard junior enlistment program shall be construed to be in attendance for purposes of computing average daily membership during any period of the regular school year, but not to include summer school, during which the pupil is attending military active duty training pursuant to that program. During that period of military active duty training, the pupil shall earn all aid for the district of residence or attendance which would be otherwise earned by his presence. This section shall expire October 1, 1975.

Sec. 3. [CITATION.] Sections 3 to 6 of this act may be cited as "The early childhood and family education act."

Sec. 4. [PURPOSE.] The purpose of sections 3 to 6 of this act is to provide a means by which parents can develop the ability to help their children learn by emphasizing measures designed to encourage children to develop to the maximum level the physical, mental, and social potentials which they possess; to strengthen the role of the family as the first and most fundamental influence on learning and child development; to maximize the importance of each child's education within the natural environment of his home and community, and to provide opportunities for young children, through parental involvement in the learning process.

Sec. 5. [DEFINITIONS.] Subdivision 1. As used in sections 3 to 6 of this act, the terms defined in this section have the meanings assigned them.

Subd. 2. "Early childhood" means that period of life before kindergarten and below age six in which a child's intellectual, social, emotional, physical and mental qualities are in the formative stage and in which the foundation for his future development is made.

Subd. 3. "Early childhood and family educational programs" include but are not limited to the following components:

(a) Educational assessment during the first five years of the child's life, consisting of the best assessment techniques available in current educational practice. The primary purpose of this assessment is to make sure that no child progresses through the formative years with some undetected problem that might hamper his ability to learn since deficiencies in learning and primary skills may become evident during this period and may lead to further and often more extensive learning problems. Should the need for specialized medical services arise, the family shall be referred to the necessary treatment, but this program shall not pay the costs of any such medical service.

(b) Educational programs for parents stressing the physical, mental and emotional development of children as well as the development of parenthood skills.

(c) Libraries of books, toys and other educational materials which can be borrowed for use in the home. District personnel should provide information and, where desired, training in the use of such materials.

(d) Family services made available for the parents or guardians of children which are designed to strengthen the family unit and assist the parents in providing sound early childhood learning and development.

(e) Education for parenthood programs to be conducted as part of the secondary school curriculum to increase adolescents' awareness of the social, educational and health needs of children, and of the role of parents in fostering a child's development.

(f) In-center activity.

(g) Home activity kits.

(h) Community and resource information and referrals.

Sec. 6. [EARLY CHILDHOOD AND FAMILY EDUCATION PROGRAMS.] Subdivision 1. The school board of any district, however organized, may provide early childhood and family education programs in one or more elementary school attendance areas within the district and may receive state aids for these programs, to be distributed in accordance with Minnesota Statutes, Sections 124.17 and 124.212.

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

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

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

Subd. 5. Each district providing early childhood and family education programs shall coordinate its services with any early childhood and family education services provided in the district by other governmental agencies and may develop cooperative programs with private agencies. All governmental agencies shall cooperate with the school district in these coordination efforts. Any district which provides early childhood and family education programs but does not coordinate its efforts with other governmental agencies shall submit an explanatory report to the commissioner of education within one year after the implementation of its programs and each year thereafter in which such coordination is not established.

Subd. 6. [ADVISORY COMMITTEES.] Subdivision 1. Each program center shall provide for an advisory committee selected from the attendance area by the local board of education. A majority of the members of this committee shall be parents participating in the local programs. This committee shall aid in the design, development, coordination, supervision, and review of all center programs and shall ascertain priorities for child learning and development services in its respective community. The committee shall report to the local school board and the district community school advisory council if this council has been established in the district. The state department of education shall function in cooperation with the committee in an advisory capacity in the interest of promoting the goals and objectives of sections 3 to 6 of this act.

Subd. 7. [PERSONNEL.] Each school board may, as it considers appropriate, employ and discharge personnel to further the purposes of its early childhood and family education programs pursuant to law. Staff and personnel may participate in retirement programs and any other programs available to other public school staff and personnel.

Subd. 8. [VOLUNTARY PARTICIPATION.] All participation by parents and children in these early childhood and family education programs shall be voluntary, and shall not preclude participation in any other state or local program. All programs shall provide services to all qualified individuals, regardless of race, religion or ethnic background, and no such programs shall be used in whole or in part for religious worship or instruction.

Subd. 9. [STATE BOARD OF EDUCATION.] The state board of education, in cooperation with the council on quality education, shall provide leadership to districts by:

- (1) Annually reviewing district programs designed to provide*

early childhood and family educational programs for very young children and parents;

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

(3) Encouraging cooperation in the delivery of services by districts operating these programs;

(4) Assisting children and their parents or guardians in obtaining the assistance and services which the child needs and which are provided by community agencies;

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

(6) Providing professional and technical assistance;

(7) Conducting ongoing program reviews.

Sec. 7. Subdivision 1. [HIGH POTENTIAL CHILD DEFINED.]

A child who has superior intellectual ability, high academic aptitude, special creative talents, or special talents and abilities other than special athletic ability, to the degree that he requires special instruction or services beyond those normally provided by the regular school program, is a high potential child. Standards for identification of a high potential child shall be set by the local school district, combinations of districts, or educational service area, relative to the particular school and its environment, with the assistance of guidelines established by the state board of education.

Subd. 2. [PROGRAMS.] Programs shall be subject to approval by the state board of education. Once approved by the state board, these continuing programs shall be conducted by local school districts, combinations of districts, or educational service areas, beginning with the 1975-1976 school year, for kindergarten through grade 12, and may include: (a) identification of high potential children, (b) specific curriculum enrichment within the regular classroom, (c) special classes, (d) release from class hours for special projects, (e) staff development programs for all professional personnel in each district or educational service area, (f) utilization of community personnel and organizations as resources, and (g) use of noncertified post-secondary personnel to instruct elementary and secondary high potential children either on campuses or local school sites.

Subd. 3. [QUALIFICATION AND EVALUATION.] The state board shall set standards for content and evaluation of programs, and eligibility for the grant funds provided in this subdivision. Following grant application, funds shall be distributed by the state board to districts or cooperating districts, up to a limit of 25 districts or cooperating districts. The state board shall consider geographic and demographic data in distributing these funds as equitably as possible throughout the state.

Subd. 4. [COMPOSITION OF PROGRAM.] School districts shall make every reasonable effort to assure that the composition of these high potential programs reflects the composition of the district student population as a whole as to race, sex, and ethnic background, and shall file a certificate of compliance with this section, when it applies for grant funds to the state board.

Sec. 8. [STATE AID FOR EXTRAORDINARY TAX DELINQUENCY OF INDEPENDENT SCHOOL DISTRICT NO. 272.]

Subdivision 1. For any calendar year in which Independent School District No. 272 receives, in real property tax proceeds of any kind, including collections of delinquencies from previous years, resulting from levies certified pursuant to section 275.125, subdivision 2a, and its predecessor and successor general school purpose levy authorization statutes, less than 97 percent of the amount levied in the preceding calendar year, the school district may apply to the department of education within 30 days after the end of the calendar year and the state shall pay aid to the school district by the following February 28, in the amount by which the receipts are less than 97 percent of the amount levied.

Subd. 2. If the school district has previously received state aid pursuant to subdivision 1, foundation aid for the school district shall be reduced in any fiscal year which begins in a calendar year in which the school district has received more than 97 percent in real property tax proceeds as described in subdivision 1, by the amount of the excess, or the amount of state aid previously paid pursuant to subdivision 1, whichever is lesser. In the event the excess is lesser, the reduction in state aid shall be deemed to offset first the state aid that was paid earliest in time, pursuant to subdivision 1. The reduction in state aid shall be made, as nearly equal as possible, from four aid installments beginning no earlier than February.

Subd. 3. Any aid so paid shall constitute an advance to the district without interest and in the fiscal year six years after the fiscal year in which state aid has been paid to the school district pursuant to subdivision 1, foundation aid for the school district shall be reduced by the amount of such state aid paid six years previous, to the extent the aid payment has not been offset by any prepayment made by the school district.

Subd. 4. The application, aid payments, and repayments made pursuant to this section shall be based upon the best information available, subject to correction by the department of education in the next succeeding year. The provisions of subdivision 1 shall expire June 30, 1981; but shall be effective with respect to real property taxes received in calendar year 1975 and thereafter.

Sec. 9. [LEGISLATIVE SCHOOL FINANCE STUDY COMMISSION.] *Subdivision 1. [CREATION.] A permanent commission to continually study and investigate school finance systems is hereby created.*

Subd. 2. [POWERS.] The name of the commission is the legislative school finance study commission. The commission shall make

a continuing study and investigation of school finance plans applicable to school districts in this state. The powers and duties of the commission include, but are not limited to the following:

(a) The study of school finance in Minnesota in all its aspects including federal, state and local financing of elementary, secondary, adult, and vocational education;

(b) The making of recommendations to the legislature within the scope of the study, including attention to various methods and plans for financing education, and the filing of a report biennially to the legislature;

(c) The consideration of the financial status of school districts throughout Minnesota, including analysis of both revenues and expenditures;

(d) The consideration of future revenue needs and resources of Minnesota school districts and of plans for meeting these needs;

(e) The creation of a data base as necessary for the compilation and analysis of financial information on school districts in Minnesota;

(f) The study of power equalization financing as it would relate to Minnesota school districts;

(g) The study of revisions in categorical aid areas including, but not limited to, special education, secondary and adult vocational education, adult education, transportation aids, special aids, and in lieu aids;

(h) The study of other areas relating to the financing of schools in Minnesota including, but not limited to, school enrollments, school construction, interdistrict cooperation, staff salaries, administration, and disparities in costs, revenues, and taxes;

(i) To study, analyze, and prepare reports regarding any other subjects certified to the commission for such study.

Subd. 3. [MEMBERSHIP.] The commission consists of five members of the senate to be appointed by the committee on committees and five members of the house of representatives to be appointed by the speaker. The first members of this commission shall be selected to serve for a term expiring on January 15 of the next succeeding regular session of the legislature and until their successors are appointed. Subsequent members of the commission shall be appointed at the commencement of each regular session of the legislature for a two year term beginning January 16 of the year of such regular session. Vacancies on the commission occurring while the legislature is in session shall be filled in the same manner as original appointments to the commission. If the legislature is not in session, vacancies in the membership of the commission shall be filled by the last senate committee on committees or other appointing authority designated by the senate rules in case of a senate vacancy, and by the last speaker of the house, or if he be not available, by the last chairman of the house rules committee in case of a house vacancy.

Subd. 4. [OFFICE, MEETINGS, OFFICERS.] The commission shall maintain an office in the capitol group of buildings in space which the commissioner of administration shall provide. The commission shall hold meetings at such times and places as it may designate. It shall select a chairman, a vice chairman and such other officers from its membership as it may deem necessary.

Subd. 5. [STAFF.] The commission may employ such professional, clerical, and technical assistants as it deems necessary in order to perform the duties herein prescribed.

Subd. 6. [ASSISTANCE OF OTHER AGENCIES.] The commission may request information from any state officer or agency in order to assist in carrying out the terms of this section and such officer or agency is authorized and directed to promptly furnish any data requested.

Subd. 7. [LEGISLATIVE BILLS FURNISHED.] The secretary of the senate and the chief clerk of the house shall provide the commission with a copy of each bill introduced in the legislature concerning school finance.

Sec. 10. Minnesota Statutes, Section 120.03, Subdivision 3, is amended to read:

Subd. 3. Every child who by reason of an emotional disturbance, or a learning disability, or a special behavior problem needs special instruction and services, but who is educable, as determined by the standards of the state board is a handicapped child.

Sec. 11. Minnesota Statutes 1974, Section 120.17, Subdivision 1, is amended to read:

120.17 [HANDICAPPED CHILDREN.] Subdivision 1. [SPECIAL INSTRUCTION FOR HANDICAPPED CHILDREN OF SCHOOL AGE.] Every district and unorganized territory shall provide special instruction and services for handicapped children of school age who are residents of the district and who are handicapped as set forth in section 120.03, subdivisions 1, 2, and 3, and 4, after July 1, 1972 programs shall be provided either within the district or in another district for trainable mentally retarded as defined in section 120.03, subdivision 4. When the provision of instruction, training, and services may result in hardship or injury to the child, the school board may appeal the mandatory provisions of Laws 1971, Chapter 689 to the commissioner of education who shall determine what provisions shall be made by the district for the education of the child. Through July 1, 1972 every district and unorganized territory may provide special training and services for school age residents of the district who are handicapped as set forth in section 120.03, subdivision 4. School age means the ages of four years to 21 years for children who are deaf, blind, crippled or have speech defects; and five years to 21 years for mentally retarded children handicapped as set forth in section 120.03; and shall not extend beyond secondary school or its equivalent. Every district and unorganized territory may provide special instruction and services for handicapped children who have not attained school age. Districts with less than the minimum number of eligible handi-

capped children as determined by the state board shall cooperate with other districts to maintain a full sequence of programs for education, training and services for handicapped children as defined in section 120.03, subdivisions 1 to 3. A district that decides to maintain programs for trainable handicapped children is encouraged to cooperate with other districts to maintain a full sequence of programs.

Every district may provide summer programs for handicapped children living within the district, including non-resident children temporarily placed in the district pursuant to section 120.17, subdivisions 6 and 7. The school district providing the special instruction and services shall apply for all state aid for the summer program, including special state aid pursuant to section 124.32, foundation aid and transportation aid. For the purposes of computing foundation aid for these programs, all pupils enrolled in these programs shall be construed to be residents of the district providing the programs. The unreimbursed actual cost of providing the program for non-resident handicapped children may be billed to the district of the child's residence and shall be paid by the resident district.

Sec. 12. Minnesota Statutes 1974, Section 120.17, is amended by adding a subdivision to read:

Subd. 1a. School districts may provide special instruction and services through the school year in which the pupil reaches age 25 for trainable mentally retarded pupils as defined in section 120.03, subdivision 4, who have attended public school less than nine years prior to September, 1975.

Sec. 13. Minnesota Statutes 1974, Section 120.76, is amended to read:

120.76. [POST-SECONDARY INSTRUCTIONAL PROGRAMS.] Sections 120.71 to 120.76 shall not be construed to prohibit a school board from charging reasonable fees for goods and services provided in connection with any post-secondary instructional program, including but not limited to vocational-technical, adult veterans, continuing education, and community services, evening school and general education development programs.

Sec. 14. Minnesota Statutes 1974, Section 120.80, Subdivision 1, is amended to read:

120.80 [EARLY GRADUATION.] Subdivision 1. Notwithstanding any law to the contrary, any secondary school student who has completed all required courses may, with the approval of the student, his parent or guardian, and local school officials, graduate prior to the completion of the school year. All aid which such student, had he not graduated, would have earned for the district pursuant to section 124.212, plus that portion of the amount raised by the local tax levy which results from such transitional year students plus that portion of any excess levy allowable under section 275.125, subdivision 3 6, clause (5) shall continue to be earned by the district.

Sec. 15. Minnesota Statutes 1974, Section 121.21, Subdivision 2, is amended to read:

Subd. 2. Upon receipt of such petition, the state board shall examine the petition and any supporting evidence which it may require. The state board *may shall* conduct hearings, *and may* investigate school records and such other facts relating to vocational-technical training as it may deem appropriate.

Sec. 16. Minnesota Statutes 1974, Section 121.21, Subdivision 6, is amended to read:

Subd. 6. The ~~commissioner~~, ~~subject to approval by the state board~~ ; ~~for vocational education shall make promulgate, pursuant to chapter 15, such rules and regulations governing the operation and maintenance of schools so classified as will afford the people of the state an equal opportunity to acquire public vocational and technical education.~~

The rules shall provide for, but are not limited to, the following:

(a) The area to be served by each school, which may include one or more districts or parts thereof, including unorganized territory ; ;

(b) Curriculum and standards of instruction and scholarship ; ;

(c) Attendance requirements, age limits of trainees, *Minnesota non-resident attendance, tuition payments by non-residents, the determination of the actual costs of providing individual programs, and attendance for which no tuition shall be charged, all to be determined in accordance with the provisions of sections 56 to 59 of this act;*

(d) *The distribution and apportionment to the local districts of all funds, whether state or federal or other funds, which may be made available to the state board for vocational education for carrying out the purposes of post-secondary vocational-technical education as provided by this section, shall be apportioned and distributed by the state board for vocational education to the various local school districts as additional aid for use in helping such local school districts in defraying the cost involved in maintaining and operating approved vocational training courses or departments, subject to such reasonable rules and regulations as may be prescribed by the state board for vocational education and in accordance with law and the approved state plan for vocational education ; ;*

(e) Transportation requirements and payment of aid therefor ; ;

(f) *Attendance by graduates of secondary schools and by adults, for which no tuition shall be charged. If no tuition is charged for such non-resident students, the district maintaining the school shall be entitled to any aid calculated on a pupil basis for such students. Payment by the state board of tuition to school districts or post-secondary vocational-technical schools in another state;*

(g) General administrative matters.

Sec. 17. Minnesota Statutes 1974, Section 121.89, is amended to read:

121.89 [REIMBURSEMENT BY STATE.] Subject to the limitations imposed by section 121.87, subdivision 2, the state board of education shall reimburse each school district operating a community school program in compliance with the rules and regulations established by the state board an amount which is equal to one-half of the salary up to \$5,000 of each community school director and coordinator employed by the district. During the ~~fiscal years 1972 and 1973;~~ 1975-76 school year, reimbursement shall be paid for no more than ~~67~~ 125 directors and coordinators employed during the 1974-75 school year ~~positions shall be subject to reimbursement,~~ no more than one-third of which may be allocated to school districts in each one-third of the total number of school districts ranked according to size of enrollment, provided that any such positions remaining unfilled may be reallocated at the discretion of the state board. In order to insure the maximum use of school facilities and insure the efficient application of funds appropriated by Laws 1971, Chapter 000 ~~this act~~, the department of education is encouraged to give priority to the funding of those community school programs which have been jointly planned and developed under the terms of a cooperative agreement or program between the school district and the park board, recreation department or other similar agency having jurisdiction within the school district.

This section shall expire June 30, 1976.

Sec. 18. Minnesota Statutes 1974, Section 123.80, is amended to read:

123.80 [SAFETY EDUCATION FOR TRANSPORTED STUDENTS.] *Subdivision 1.* Not later than January 1, 1975, the state board of education shall provide by rule or regulation a program of safety education for students who are transported to school. Each district receiving aid under the provisions of section 124.222 shall implement the program for the school year beginning in September 1975. In drafting said regulations, the board shall give particular attention to procedures for loading, unloading, vehicle lane crossing and emergency evacuation procedures as they affect school buses.

Subd. 2. Not later than January 1, 1976, the state board of education shall promulgate rules and regulations which will assure the safe and efficient transportation of handicapped pupils who because of their special handicapping conditions require special transportation arrangements. In drafting these regulations, the board shall give particular attention to standards for vehicles used in transporting handicapped pupils, equipment to assure the safety of these pupils, and the qualifications of the drivers and aides providing transportation services.

Sec. 19. Minnesota Statutes 1974, Section 124.04, is amended to read:

124.04 [CAPITAL EXPENDITURE TAXING AUTHORITY.] In addition to the tax levy prescribed by law for general and special school purposes, the board of any district may levy annually an amount such that the sum of the levy and attached machinery

aid for capital outlay purposes calculated pursuant to section 273.138, subdivision 3, clause (1), shall not exceed ~~\$35~~ *the greater of \$75 per pupil unit or \$75 per 1974-1975 pupil unit or, in districts where the pupil unit count for the school year preceding the year in which the levy is certified was increased pursuant to section 124.17, subdivision 1, clause (7), \$85 per pupil unit*. No levy under this section shall exceed 10 mills on each dollar of assessed valuation of the taxable property in the district as adjusted for the preceding year by the equalization aid review committee notwithstanding the provisions of sections 272.64 and 275.49, provided that said levy may not exceed by more than two mills (three mills if the district adds units pursuant to section 124.17, subdivision 1, clause (7)) the levy under this section in the previous year and provided further that any district which did not levy pursuant to this section in 1972 may certify a maximum levy of 6 mills not to exceed \$65 per pupil unit in 1974. The tax so levied shall be collected in the manner provided by law for the collection of school taxes. The proceeds of the tax may be used only to acquire land, improve and repair school sites, and to equip, re-equip, repair and improve buildings and permanent attached fixtures, *to pay leasing fees for computers and computer services, and to pay the installation and continuing connection charges portion of telephone services*. Subject to the commissioner's approval, the tax proceeds may also be used to rent or lease buildings for school purposes and to acquire or construct buildings. The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.

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

Sec. 20. Minnesota Statutes 1974, Section 124.11, is amended to read:

124.11 [DATES OF AID PAYMENTS.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, ten percent of the estimated *elementary and secondary* foundation aids shall be paid to districts in each of the months from September through May based upon information available and the final distribution shall be made in the following August. *Estimated post-secondary vocational foundation aid shall be paid to districts in 12 equal monthly payments beginning July 15, 1976. The estimated post-secondary vocational foundation aid shall be paid on the basis of the prior year's average daily membership except that the average daily membership and the payments based thereon may be adjusted in September, December, March and June to reflect any increases or decreases in enrollment. The September payment in each fiscal year shall be increased or decreased to reflect any deficit or excess in post-secondary vocational foundation aid received in the prior fiscal year.* If any school district is unable to borrow necessary funds for the operation of its facilities during any fiscal year, due to legal borrowing restrictions or the lack of reasonable credit facilities, the commissioner of finance and state treasurer may, upon certification of such conditions by the commissioner of administration, advance such educa-

tion aids as may be required to such district, with the condition that such aids be discounted by an amount equal to six percent or the current yield on U.S. treasury bills on the date of such payment to a maturity approximating the date on which aids are to be paid, whichever rate is higher, pursuant to the terms of this section. The amount of such discount shall be determined by the commissioner of finance, with the six percent discount or the "bid" price quoted on treasury bills of an appropriate maturity calculated after consultation with the staff of the state board of investment.

Estimated *elementary and secondary* foundation aids shall be paid out on the basis of the prior year's pupil unit enrollment unless the October 1 enrollment is larger, in which case the October enrollment shall be used. Adjustment for final *elementary and secondary* pupil unit figures shall be made in the August payment of aids.

Sec. 21. Minnesota Statutes 1974, Section 124.14, Subdivision 1, is amended to read:

124.14 [DISTRIBUTION OF SCHOOL AIDS; APPROPRIATION.] Subdivision 1. The state board shall supervise distribution of the school aids in accordance with law. It may make rules and regulations consistent with law for such distribution which will enable districts to perform efficiently the services required by law and further education in the state, including reasonable requirements for such reports and accounts to it as will assure accurate and lawful apportionment of aids. *It shall require that the pupil unit count of a minimum of 25 school districts be audited each fiscal year. The audits shall be conducted at random throughout the state with no prior notice to any district. Disparities between pupil unit counts reported by the school districts and those found by the auditors shall be reported to the commissioner who shall order an increase or reduction of foundation aids accordingly. A reduction of foundation aid under this section may be appealed to the state board of education and its decision shall be final.* Public schools shall at all times be open to the inspection of the state board, and the accounts and records of any district are open to inspection by the state auditor, or the state board.

Sec. 22. Minnesota Statutes 1974, Section 124.14, is amended by adding a subdivision to read:

Subd. 3. Any school district officer or employee who intentionally misrepresents a pupil unit count violates Minnesota Statutes, Section 609.43, and shall be dismissed from his position upon conviction.

Sec. 23. Minnesota Statutes 1974, Section 124.17, Subdivision 1, is amended to read:

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

(1) In an elementary school, for kindergarten and for handicapped pre-kindergarten pupils as defined in section 120.03, and enrolled in one-half day sessions throughout the school year or the equivalent

thereof, approved by the commissioner of education, one-half pupil unit and other elementary pupils, one pupil unit.

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

(3) In area vocational-technical schools one and one-half pupil units. *This clause shall expire June 30, 1976.*

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

(5) In every district where the number of pupils from families receiving aid to families with dependent children or its successor program exceeds ~~nine~~ *five* percent of the total actual pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional ~~35/100~~ *one-tenth* of a pupil unit *for each percent of concentration, over five percent of such pupils in the district. The percent of concentration shall be rounded up to the next whole percent for purposes of this clause, provided that in districts where the percent of concentration is less than five, no additional pupil units shall be counted under this clause for pupils from families receiving aid to dependent children or its successor program and provided further that no such pupil shall be counted as more than one and one-tenth additional pupil units pursuant to clauses (4) and (5).* *for those districts where the number of such pupils is more than eight percent but not more than nine percent of the total pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional two-tenths of a pupil unit and for those districts where the number of such pupils is at least five percent but not more than eight percent of the total pupil units in the district for the same year, as computed in clauses (1) and (2), each such pupil shall be counted as an additional one-tenth of a pupil unit. Such weighing weighting shall be in addition to the weighing weighting provided in clauses (1), (2), (3), and (4) of this section. School districts are encouraged to allocate a major portion of the aids that they receive on account of clauses (4) and (5) to early childhood and family education programs and primary grade programs and services, particularly to programs and services that involve participation of parents. Each district receiving aids on account of clauses (4) and (5) shall establish and*

maintain accounts separate from all other district accounts for the receipt and disbursement of all such aids received.

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

(7) Where the actual number of pupil units has increased from the prior year by more than three percent, a number of pupil units equal to one-fourth of the difference between the units as computed in clauses (1) and (2) for the two years shall be added to the other units for the district. In districts maintaining classified secondary schools where the actual number of pupil units has increased from the prior year by more than two percent, the additional pupil units over the prior year, as computed in clauses (1) and (2), shall be multiplied times one-tenth for each percent of increase over two percent over the prior year and a number of pupil units equal to the product shall be added to the other units for the district. The percent of increase shall be rounded up to the next whole percent for purposes of this clause, provided that in districts where the percent of increase is less than two, no additional pupil units shall be added to the other units for the district and provided further that the number of pupil units of increase over the period year shall under no circumstances be multiplied by more than six-tenths.

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

(9) In districts providing early childhood and family education programs, one-tenth pupil units for each pupil served by a program. Any child prior to entering kindergarten or below age six may qualify for this aid, provided that either the child or his parent or guardian is served by the program. Provided further that (a) for school districts with enrollment of less than 25,000 pupils, 100 pupils per school district shall be eligible for funding; (b) for school districts with enrollments of more than 25,000 pupils, 1000 pupils per school district shall be eligible for funding; and (c) for school districts serving less than 50 pupils in early childhood and family education programs, no funds shall be available; however, school districts may establish cooperative programs in order to qualify for aid.

Sec. 24. Minnesota Statutes 1974, Section 124.17, Subdivision 2, is amended to read:

Subd. 2. Membership for pupils in grades kindergarten through twelve ; for pupils in area vocational-technical schools and for handicapped prekindergarten pupils shall mean the number of pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil permanently leaves the school or the date it is

officially known that the pupil has left or has been legally excused; provided that any pupil, regardless of age, who has been absent from school without a legally justifiable excuse for 15 consecutive school days shall be dropped from the roll and classified as withdrawn. Nothing in Extra Session Laws 1971, Chapter 31, shall be construed as waiving the compulsory attendance provisions cited in section 120.10. Average daily membership shall equal the sum for all pupils of the number of days of the school year each pupil is enrolled in the district's schools divided by the number of days said schools are in session. For districts operating 12 month schools, days schools are in session shall mean the number of session days required by section 124.19, subdivision 1. The average daily membership of a pupil enrolled on a shared time basis shall equal the ratio of the total minutes for which such pupil is enrolled and the minimum minutes required during the year for a regularly enrolled public school pupil. ~~Foundation aid for each pupil in such shared time classes shall be paid at a rate proportionate to aid paid for other resident pupils of the district providing instruction. Foundation aid for shared time pupils shall equal the amount which would accrue if shared time pupil units, counted pursuant to this section, were added to the district's total pupil units used in determining its foundation aid.~~ A district shall not be entitled to transportation aid under section 124.22 for pupils enrolled on a shared time basis unless the statutes specifically provide for transportation aid to such student. *This section of this act shall be effective July 1, 1975 as applied to shared time foundation aid and July 1, 1976 as applied to pupils in area vocational-technical schools.*

Sec. 25. Minnesota Statutes 1974, Section 124.17, Subdivision 2a, is amended to read:

Subd. 2a. Notwithstanding subdivision 2, pupils granted transitional year status shall continue to be counted as members on the current roll of the school for the remainder of the school year. *For purposes of computing average daily membership pupils enrolled in an early childhood and family education program shall be counted for membership on the current roll of the school from the time of enrollment until withdrawal or the end of the school year if either the pupil or his parent or guardian is served by the program.* For purposes of computing average daily membership transitional year pupils shall be considered to be enrolled every day school is in session for the remainder of the school year.

Sec. 26. Minnesota Statutes 1974, Section 124.13, Subdivision 2, is amended to read:

Subd. 2. [TUITION.] Every district which provides instruction in other districts and which receives foundation program aid, ~~and the county which pays tuition aid shall pay to the district furnishing this elementary and secondary or area vocational-technical school instruction on account of such instruction;~~ the actual cost thereof chargeable to maintenance exclusive of transportation costs ~~or the legal maximum prescribed in section 124.211, subdivision 2, clause (1).~~

There shall also be paid for capital outlay and debt service to the district providing such instruction \$10 per pupil unit in average daily attendance membership for each non-resident pupil unit, except that every district educating non-resident pupils may charge and include in its tuition, for capital outlay and debt service, an amount per pupil unit in average daily attendance based on the amount that the average expenditure for capital outlay and debt service determined by dividing such annual expenditure by the total number of pupil units in average daily attendance membership in the district exceeds \$10 per pupil unit. If the district has no capital outlay or debt service the district receiving such funds may use them for any purpose for which it is authorized to spend money. Provided further that, if a district invests capital moneys to remodel existing facilities or to build new facilities for the primary purpose of providing provides instruction for non-resident handicapped and trainable children, tuition shall be as specified in Minnesota Statutes 1961, Sections Section 120.17, and 120.18, Subdivision 4 such district may charge and include in its tuition for capital outlay and debt service an amount per pupil unit in average daily attendance determined by dividing such expenditure over a period of years mutually agreeable to the districts concerned; and by dividing each annual amount so determined by the total number of pupil units in average daily attendance enrolled in this area of handicap instruction in the district.

Sec. 27. Minnesota Statutes 1974, Section 124.20, is amended to read:

124.20 [EDUCATION; STATE AID; SUMMER SCHOOL AND FLEXIBLE SCHOOL YEAR CLASSES.] *State Foundation aid for (1) summer school classes which are not a part of the regular school term in hospitals, sanatoriums and home instruction programs, (2) and inter-session classes of flexible school year programs and summer school classes in elementary and secondary schools, and (3) summer school instruction in area vocational schools or teachers college laboratory schools or in the university laboratory school, shall be paid at a proportionate rate for foundation aids paid during for the preceding regular school term year, provided that no district shall receive aid for programs under this section in an amount greater than its actual expenditures for these programs. Payments of aid for summer classes at a proportionate rate to foundation aid pursuant to this section in 1972 and preceding years is hereby sanctioned. The provision in this section for payment of aid for summer classes at a proportionate rate to foundation aid for the preceding school year shall apply to summer classes in 1973 and subsequent years.*

Sec. 28. Minnesota Statutes 1974, Section 124.212, Subdivision 1, is amended to read:

124.212 [FOUNDATION AID.] Subdivision 1. The foundation aid program for school districts for school years 1973-1974 1975-1976 and 1974-1975 1976-1977 shall be governed by the terms and provisions of this section.

Sec. 29. Minnesota Statutes 1974, Section 124.212, Subdivision 2, is amended to read:

Subd. 2. Except as may otherwise be provided in this section, the following words and phrases when used in this section shall have the meanings herein ascribed to them.

(1) "Adjusted maintenance cost" means the state and local current expense for pupils in elementary and secondary schools, exclusive of transportation, veterans training program, community services, and after reduction for receipts from the sale of ~~other authorized items sold to the individual pupil by the school such as lunches, paper, workbooks, and other materials used in the instructional program items of personal use, or other items specifically authorized by law or under the procedures set forth in sections 120.71 to 120.76,~~ and after reduction for receipts from quasi-school activities when the school board has assumed direction and control of same. For purposes of determining the adjusted maintenance costs, the state department of education shall use only figures from the annual financial reports of the districts for the prior year and any supplementary documents received by it on or before August 1 of the current year, ~~(November 1, in 1971 only)~~. For any district which has not transmitted to the department of education before August 1, ~~(November 1, in 1971 only)~~ its annual financial report for the prior year, the figures from the most recent financial report of that district received on or before August 1, ~~(November 1, in 1971 only)~~ shall be used for purposes of calculating its certified levy and foundation aid. ~~In calculating the adjusted maintenance cost in 1970-1971, a district may include for calculating its certified levy and foundation aid under this article salaries paid in the 1971-1972 school year which are for services rendered in 1970-1971.~~

(2) "Adjusted assessed valuation" shall mean the assessed valuation of the taxable property notwithstanding the provisions of section 275.49 of the school district as adjusted by the equalization aid review committee.

Sec. 30. Minnesota Statutes 1974, Section 124.212, Subdivision 3a, is amended to read:

Subd. 3a. Notwithstanding any of the other provisions of this section, for the ~~1973-1974~~ 1975-1976 school year neither the sum nor the sum per pupil unit of the aggregate foundation aid earned by a district maintaining a classified secondary school and the amount raised by the maximum levy authorized by Minnesota Statutes ~~1971~~ 1974, Section 275.125, subdivision 2 2a, clause (2) and for the ~~1974-1975~~ 1976-1977 school year neither the sum nor the sum per pupil unit of the aggregate foundation aid earned by such a district and the amount raised by the maximum levy authorized for 1973 1975 by section 275.125, subdivision 2a 2b, clause (1), shall be less than the sum or the sum per pupil unit respectively of the aggregate foundation aid earned for the 1972-1973 school year, any payments earned for 1972-1973 which but for the operation of Minnesota Statutes 1971, Section 124.212, Subdivision 3, would not have been earned, and the amount raised by the levy authorized by Minnesota Statutes 1971, Section 275.125, Subdivision 2, Clause (1). Aggregate foundation aid includes foundation aid for all pupil units *except units computed*

in section 124.17, clause (3). For purposes of this computation pupil units used as a divisor shall include only those units identified in section 124.17, subdivision 1, clauses (1) ~~to (3)~~ and (2).

Sec. 31. Minnesota Statutes 1974, Section 124.212, is amended by adding a subdivision to read:

Subd. 6b. For the 1975-1976 school year a district shall receive in foundation aid the lesser of (1) \$890 per pupil unit less 30 mills times the 1973 adjusted assessed valuation of the district or (2) the amount that bears the same relation to the difference in (1) as the sum of the 1970-1971 adjusted maintenance cost per pupil unit increased by \$162, and the greater of (a) one-half of the difference that results when the adjusted maintenance cost per pupil unit, so increased, is subtracted from \$890, or (b) \$65, bears to \$890. This section shall not be construed as in any instance authorizing the levy of total amounts of taxes for school purposes in excess of the amount allowed by law on October 15, 1974.

Sec. 32. Minnesota Statutes 1974, Section 124.212, is amended by adding a subdivision to read:

Subd. 7b. For the 1976-1977 school year a district shall receive in foundation aid the lesser of (1) \$950 per pupil unit less 28 mills times the 1974 adjusted assessed valuation of the district or (2) the amount that bears the same relation to the difference in (1) as the sum of the greater sum computed pursuant to Section 124.212, Subdivision 6b, Clause (2), and the greater of (a) two-thirds of the difference that results when such greater sum is subtracted from \$890, or (b) \$60, bears to \$890.

Sec. 33. Minnesota Statutes 1974, Section 124.212, Subdivision 8a, is amended to read:

Subd. 8a. Notwithstanding any provisions of any other law to the contrary, the adjusted assessed valuation used in calculating foundation aid shall include only that property which is currently taxable in the district. For districts receiving payments under sections 298.23 to 298.28; 298.32; 298.34 to 298.39; 298.391 to 298.396; 298.405; 298.51 to 298.67; 294.21 to 294.28; 124.215, subdivision 2a; 124.25; 124.30; 360.133; 360.135; and 124.28; and any law imposing a tax upon severed mineral values, or under any other law distributing proceeds in lieu of ad valorem tax assessments on copper or nickel properties; the foundation aid shall be reduced by: The previous year's payment to the district pursuant to said sections times the ratio of the maximum levy allowed the district under section 275.125, subdivision 2a 2b, to the total levy allowed by section 275.125, but not to exceed ~~35~~ 45 percent in ~~1973-1974~~ 1975-1976 and 40 50 percent in ~~1974-1975~~ 1976-1977 of the previous year's payment.

Sec. 34. Minnesota Statutes 1974, Section 124.212, Subdivision 11, is amended to read:

Subd. 11. (a) The committee shall not increase the adjusted assessed valuation, exclusive of property valuation added, improved, reclassified, or reassessed since the prior assessment, of taxable

property for 1962 or any subsequent year in any school district by more than eight percent over the certified valuation established for the year immediately preceding.

~~(b) Whenever the adjusted assessed valuation of any district is more than eight percent less than the adjusted assessed valuation of the preceding year, the state board of education may, upon application by the district prior to June 30 of such school year, authorize payment of additional foundation aid in the August adjustment following such school year in the amount of 30 mills times the difference in the said two successive adjusted assessed valuations.~~

~~(e) (b) The sales ratio studies, or any part thereof, or any copy of the same, or records accumulated in preparation thereof, which are prepared by the commissioner of revenue for the equalization aid review committee for use in determining school aids pursuant to this section shall not be admissible in evidence in any proceeding, except actions for review of the determination of the school aids payable under this section.~~

Sec. 35. Minnesota Statutes 1974, Section 124.222, Subdivision 1, is amended to read:

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

(a) the actual net operating cost per eligible pupil transported during the 1975 fiscal year *in which payment is made* times the number of eligible pupils transported during the 1975 fiscal year *in which payment is made*; or

(b) ~~115~~ 110 percent of the actual net operating cost per eligible pupil transported during the *fiscal* year ending June 30, 1973 *two years prior to the end of the fiscal year in which payment is made*, times the number of eligible pupils transported during the 1975 fiscal year *in which payment is made*;

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

(3) Plus, the amount of depreciation for one year on the school bus fleet computed by the department of education on a straight line basis at the rate of ~~ten~~ 12½ percent per year of the net cost of the fleet. *The cost of all equipment added to or installed in a school bus specifically to meet special needs of handicapped individuals shall be added to the remaining undepreciated value of that bus and depreciated over the remainder of the depreciation term for that bus.*

Sec. 36. Minnesota Statutes 1974, Section 124.222, is amended by adding a subdivision to read:

Subd. 2a In addition to the amounts authorized in subdivision 1,

if the actual net operating cost per eligible handicapped pupil transported during the fiscal year in which payment is made exceeds 120 percent of the actual net operating cost per eligible handicapped pupil transported during the fiscal year ending two years prior to the end of the fiscal year in which payment is made, the state shall pay to the district all costs for handicapped transportation in excess of this 120 percent. Transportation aid for handicapped pupils shall not be computed on an average daily attendance basis.

Sec. 37. Minnesota Statutes 1974, Section 124.222, Subdivision 3, is amended to read:

Subd. 3. [PAYMENT SCHEDULE.] Except as may be otherwise authorized by the commissioner to accommodate a flexible school year program, the state shall pay to each school district 30 percent of its estimated school transportation aid entitlement for the 1975 fiscal year on or before each of the following dates: September 30, December 31, and March 31. The actual balance due the district shall be paid on or before August 31 of the following fiscal year. *For the purposes of subdivisions 1 and 2a, the fiscal year in which payment is made shall be the fiscal year in which the September, December, and March payments are made.*

Sec. 38. Minnesota Statutes 1974, Section 124.223, is amended to read:

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

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

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

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

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

(5) Transportation of resident handicapped persons who fulfill the eligibility requirements of section 252.23(1) to and from licensed day-time activity centers attended by these persons;

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

(7) *Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education;*

~~(7)~~ (8) Services described in clauses (1) to ~~(6)~~ (7) when provided in conjunction with a state board approved summer school program.

Sec. 39. Minnesota Statutes 1974, Section 124.26, is amended to read:

124.26 [EDUCATION PROGRAMS FOR ADULTS.] *Subdivision 1.* For evening schools and continuing education programs for adults established for persons over 16 years of age and not in attendance upon regular day schools, the state shall compensate any district maintaining such programs in accordance with requirements established by the state board from funds appropriated for that purpose, or such funds combined with federal funds insofar as federal funds are available. *Beginning July 1, 1975, the state shall not reimburse expenditures from the 1974-75 school year programs, but shall pay aids for the 1975-76 school year programs and for each year thereafter on a current funding basis.* The portion of such compensation from state appropriation shall ~~not exceed three-fourths~~ be 100 percent of the compensation paid each teacher for his services in such programs up to \$5,300 \$8,000 per year based on the costs in that current year. All classes shall be tuition free when taught by teachers subsidized under this section; ~~but this and there shall not preclude charging a reasonable~~ be no charge for registration, fee and charging for necessary materials and supplies, or G.E.D. tests. Evening school and continuing education programs are defined as those public day or evening school programs which are established for persons over 16 years of age not in attendance at the full time elementary or secondary schools and which qualify such persons for the high school diploma, the high school equivalency certificate or for academic achievement at the secondary level.

Subd. 2. Each district providing evening school and continuing education programs shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all funds related to these programs. All aid received pursuant to this section shall be utilized solely for the purposes of evening school and continuing education programs. In no case shall a district pursuant to this section receive more than the actual cost of providing these programs.

Subd. 3. The state department of education shall reimburse each G.E.D. testing center the sum of \$10 for each battery of G.E.D. tests or \$2 for each individual test administered by that center.

Sec. 40. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.271] [COMMUNITY SCHOOL PROGRAMS AID.] *Subdivision 1. In fiscal year 1977 and each year thereafter, the state shall pay to each qualifying district the greater of either*

(a) an amount equal to 50 cents for each \$2 certified to be levied for that year by a qualifying district pursuant to section 275.125, subdivision 7; or

(b) an amount which is equal to 50 percent of the current salary up to \$5,000 of one community school director or coordinator employed by a school district operating a community school program in compliance with the rules and regulations established by the state board of education.

Subd. 2. In fiscal year 1977, the state shall not reimburse school districts for past expenditures for salaries of community school directors and coordinators employed by the districts in the 1975-76 school year.

Subd. 3. Each district providing community school programs pursuant to sections 121.85 to 121.88 shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all funds related to these community school programs. All funds received pursuant to this section and to the levy authorized in section 275.125, subdivision 7, shall be utilized solely for the purposes of community school programs.

Subd. 4. All community school programs aid shall be distributed by the state aids, statistics and research section of the state department of education. Aid shall be distributed prior to November 1, 1976 and each year thereafter.

Sec. 41. Minnesota Statutes 1974, Section 124.32, Subdivision 1, is amended to read:

124.32 [HANDICAPPED CHILDREN.] *Subdivision 1. The state shall pay to any district and unorganized territory; (a) for the employment in its educational program for handicapped children, 60 70 percent of the salary of essential personnel, but this amount shall not exceed \$5,600 \$10,000 for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time, including but not limited to summer school; (b) for the employment of an individual jointly with another district or districts or unorganized territory in its educational program for handicapped children, 60 70 percent of the salary of essential personnel, but this amount shall not exceed \$5,600 \$10,000 for the normal school year for each full time person employed, or a pro rata amount for a part time person or a person employed for a limited time including but not limited to summer school.*

Sec. 42. Minnesota Statutes 1974, Section 124.32, is amended by adding a subdivision to read:

Subd. 3a. The purpose of this subdivision is to change the method of funding of educational programs for handicapped children from

reimbursement based on past expenditures to a current funding basis. Beginning July 1, 1976, the state shall not reimburse expenditures from the 1975-76 school year programs, including 1976 summer school programs, but shall pay aids for the 1976-77 school year programs and for each year thereafter on a current funding basis.

Sec. 43. Minnesota Statutes 1974, Section 124.32, Subdivision 5, is amended to read:

Subd. 5. When a handicapped child is placed in a residential facility approved by the commissioner and established primarily to serve handicapped children and when the child's educational program is approved by the commissioner, the state shall pay to the resident district not to exceed 60 percent of instructional costs charged to the resident district, less the foundation aid per pupil unit payable to the resident district. ~~Not more than \$300,000 shall be spent annually for purposes of implementing this subdivision. If that amount does not suffice, the aid shall be pro rated among all qualifying districts.~~

The following types of facilities may be approved by the commissioner:

(a) A residential facility operated by a public school district and designed to serve the low incidence handicapped, the multiple handicapped, or the most severely handicapped children, either within or outside of the state, or, a state residential school outside of the state.

(b) A private, nonsectarian residential facility designed to provide educational services for handicapped children either within or outside of the state.

(c) A state hospital or private nonsectarian residential center designed to provide care and treatment for handicapped children.

Sec. 44. Minnesota Statutes 1974, Section 124.38, Subdivision 4, is amended to read:

Subd. 4. ~~"Sinking Debt service fund"~~ means the aggregate of all funds maintained by a district which are appropriated to payment of principal of and interest on its debts as required by Minnesota Statutes, Chapter 475.

Sec. 45. Minnesota Statutes 1974, Section 124.38, Subdivision 5, is amended to read:

Subd. 5. "Debt service levy" means the levy for all ~~sinking debt service~~ fund purposes in accordance with Minnesota Statutes, Chapter 475.

Sec. 46. Minnesota Statutes 1974, Section 124.38, Subdivision 7, is amended to read:

Subd. 7. "Maximum effort debt service levy" means a levy in a total dollar amount computed as ~~2-1~~ 20 mills on the ~~market adjusted assessed~~ value; except that the maximum effort debt service levy of any school district having received a debt service or capital loan from the state before January 1, 1965, shall be computed as

~~1.362%~~ 4.10 mills on the market value in each year, unless the district applies or has applied for an additional loan subsequent to January 1, 1965, or issues or has issued bonds on the public market, other than bonds refunding state loans, subsequent to January 1, 1967; and except that the maximum effort debt service levy of any school district granted a debt service or capital loan between January 1, 1965, and July 1, 1969, shall be computed as 5½ mills on the market value in each year, until and unless the district receives an additional loan; and *except that the maximum effort debt service loan of any school district granted a debt service or capital loan between July 1, 1969 and July 1, 1975 shall be computed as 6.3 mills on market value on each year until and unless the district has received an additional loan.*

Sec. 47. Minnesota Statutes 1974, Section 124.38, Subdivision 8, is amended to read:

Subd. 8. *"Adjusted assessed valuation" means, as of any date, the valuation of all taxable property most recently determined by the equalization aid review committee in accordance with the provisions of 124.212. "Market value" means the value of all taxable property in the district in which its net debt limit is based as provided in section 475.53, subdivision 4.*

Sec. 48. Minnesota Statutes 1974, Section 124.42, Subdivision 1, is amended to read:

124.42 [DEBT SERVICE LOANS.] Subdivision 1. Any school district in which the required levy for debt service in any year will exceed its maximum effort debt service levy by ten percent or by \$5,000, whichever is less, is qualified for a debt service loan hereunder in an amount not exceeding the amount applied for, and not exceeding one percent of the sum of the net debt of the district and the aggregate amount of all state loans to the district outstanding on the date granted, and not exceeding the difference between the required and the maximum effort debt service levy in such year. Applications shall be filed with the committee in each calendar year up to and including September 15. The committee shall determine whether the applicant is entitled to such loan and the amount thereof, and on or before October 1 shall certify to each applicant district the amount granted and its due date. A copy of each such certificate shall be filed with the commissioner. Upon receipt by the commissioner of a copy of the committee's certificate that the loan is granted, the commissioner shall notify the county auditor or county auditors in which the district is located that the amount so certified is available and appropriated for payment of principal and interest on its outstanding bonds and such auditors shall reduce by that amount the taxes otherwise leviable as the district's debt service levy on the tax rolls for such year; ~~which taxes shall nevertheless be increased by the amount necessary to pay interest on this and any other state loans, as herein provided.~~ Each debt service loan shall be for a term of 30 years, ~~prepayable at par at any time, and shall bear interest from its date at a rate determined by the commissioner of finance, not less annually, at the multiple of one-tenth of one percent per annum next higher than the average annual rate payable on Minnesota~~

state school loan bonds most recently issued prior to the disbursement of the loan to the district from time to time outstanding, but in no event less than 3½ percent per annum on the principal amount from time to time remaining unpaid, payable on December 15 of the year next following that in which the loan is received and annually thereafter.

Sec. 49. Minnesota Statutes 1974, Section 124.42, Subdivision 2, is amended to read:

Subd. 2. Each debt service loan shall be evidenced by a note which shall be executed in behalf of the district by the signatures of its chairman or vice chairman and the school district clerk, shall be dated November 1 of the year in which executed, and shall state its principal amount, due date, interest rate, and that it is payable at the commissioner's office. It shall have printed thereon, or the commissioner shall attach thereto, a grill for entry of the date and amount of each payment and allocations of each payment to accrued interest or principal, and a certificate to be executed by the county auditor of each county in which any portion of the school district is situated, prior to the delivery of the note, stating that such county auditor has entered the debt service loan evidence thereby in his bond register. Such notes shall be delivered to the committee not later than November 15 of the year in which executed. The secretary shall cause a record to be made and preserved showing the obligor district and the date, and principal amount, and due date of each note, and shall then deliver it to the commissioner who shall make suitable record thereof.

Sec. 50. Minnesota Statutes 1974, Section 124.42, Subdivision 4, is amended to read:

Subd. 4. Each district receiving a debt service loan shall levy in that year for debt service its required debt service levy as reduced by the amount of the loan, in that year and each year thereafter in which it shall not have received a debt service loan, until all its debts to the fund are paid, the district is hereby obligated to levy for debt service (a) the amount of its maximum effort debt service levy, or (b) the amount of its required debt service levy less the amount of any debt service loan in that year, whichever is greater. Whenever the maximum effort debt service levy is greater the district shall remit to the commissioner, within ten days after its receipt of the last regular tax distribution in the year in which it is collected, that portion of the maximum effort debt service tax collections, including penalties and interest, which exceeded exceeds the principal and interest payable on its bonded debt in the period for which the levy was made required debt service levy. In addition to the foregoing, the district shall levy in each year, commencing in the year a debt service loan is granted and continuing until the entire loan is paid, a sum sufficient to produce full payment of the interest payable in the ensuing year on its debt service note, and the proceeds of such levy shall in each year be remitted to the commissioner for payment of such interest. On or before November 1 in each year the commissioner shall notify the county auditor of each county containing taxable property situated within the school district of the amount of the maximum effort debt service levy of the

district for that year, and the additional amount necessary to be levied to produce a sum five percent in excess of the total amount of interest to become due in the ensuing year on all debt service notes and capital loans of the district; and said county auditor or auditors shall extend upon the tax rolls an ad valorem tax upon all taxable property within the district in the aggregate amount so certified. If any interest is not paid when due, the commissioner shall add the amount thereof to the amount of interest so certified in the following year, with one year's interest on such amount at the rate borne by the loan.

Sec. 51. Minnesota Statutes 1974, Section 124.43, Subdivision 1, is amended to read:

124.43 [CAPITAL LOANS.] Subdivision 1. To the extent moneys are from time to time available hereunder, the committee is authorized, *after review and recommendation by the state board of education*, to effect capital loans to school districts. Proceeds of such loans shall be used only for sites for school houses buildings and for acquiring, bettering, furnishing, or equipping school houses buildings under contracts to be entered into within 12 months from and after the date on which each loan is granted. Applications with the accompanying data specified in subdivision 2 shall be filed between October 1 of any year and June 1 next following. *No application shall be approved unless the state board of education certifies that the loan is needed to replace facilities dangerous to the health and safety of pupils, or to provide for pupils for whom no adequate facilities exist; that such facilities could not be made available by consolidating the district with an adjacent district without substantially lowering the fiscal capacity of that district or so increasing its area that it would no longer be viable; and that existing institutions or facilities within the area could not be acquired or leased to provide the needed facilities safely and at a lower cost. The state board shall make recommendations to the committee.* No loan shall be approved for any district exceeding an amount computed as follows:

(1) The amount voted by the district under subdivision 2;

(2) Plus the aggregate principal amount of general obligation bonds of the district outstanding on the date of approval, not exceeding the limitation on net debt of the district in section 475.53, subdivision 4;

(3) Less the maximum net debt permissible for the district on the date of approval, under the limitation in section 475.53, subdivision 4; and

(4) Less any amount by which the amount voted exceeds the total cost of the facilities for which the loan is granted, as estimated in accordance with subdivision 4, provided that the loan may be approved in an amount computed as provided in clauses (1) to (3), subject to subsequent reduction in accordance with this clause (4).

Sec. 52. Minnesota Statutes 1974, Section 124.43, Subdivision 2, is amended to read:

Subd. 2. The school board of any district desiring a loan shall adopt a resolution stating the amount proposed to be borrowed, the purpose for which the debt is to be incurred, and an estimate of the dates when the facilities for which the loan is requested will be contracted for and completed. The question of authorizing the borrowing shall then be submitted to the voters of the district at a regular or special election. The question submitted shall state the entire amount to be borrowed and that application will be made for a loan from the maximum effort school loan fund of such amount as may be available and allowable to the district and the remainder will be borrowed on bonds sold at a public sale within the limitations prescribed by law. A majority of those voting on the question shall be sufficient to authorize the district to effect the state loan and also to issue the bonds on public sale in accordance with chapter 475. Applications for loans shall be accompanied by (a) a copy of such resolution, (b) a certificate by the clerk showing the vote at the election, (c) a certificate by the clerk and treasurer showing the then outstanding indebtedness of the district, and (d) a certificate by the county auditor of each county in which a portion of the district lies showing the information in his official records which is required to be used in computing the debt limit of the district under section 475.53, subdivision 4. The clerk's and treasurer's certificate shall show, as to each outstanding bond issue, the amount originally issued, the purpose for which issued, the date of issue, the amount remaining unpaid as of the date of the resolution, and the interest rates and due dates and amounts of principal thereon. Applications shall be in such form and accompanied by such additional data as the committee and state board of education shall prescribe, which may include a statement from the state department of education as to the district's need of the proposed school-houses in comparison with needs of other districts. When an application is received, the committee shall obtain from the commissioner of revenue, and from the public service commission when required, the information in their official records which is required to be used in computing the debt limit of the district under section 475.53, subdivision 4.

Sec. 53. Minnesota Statutes 1974, Section 124.43, Subdivision 3. is amended to read:

Subd. 3. The committee shall examine and consider all applications for capital loans *which have been recommended by the state board of education*, and if any applicant district is found not qualified it shall be promptly notified thereof. On January 1 and July 1 of each year, the committee shall make its determination on all pending applications which have been on file with it more than one month. If an applicant is qualified in the opinion of the committee and the aggregate of the amounts applied for does not exceed the amount available or which can be made available in the capital loan account, all loans so applied for shall be granted, subject to acceptance by the respective districts as specified below. If the aggregate exceeds the amount which is or can be made available, the committee shall allot the available amount among the qualified applicant districts, or any of them, according to the committee's judgment and discretion based upon their respective needs. The committee shall promptly certify to each qualified applicant district the amount, if any, of the

capital loan granted to it, subject to adjustment under subdivision 1, clause (4).

Sec. 54. Minnesota Statutes 1974, Section 124.43, Subdivision 4, is amended to read:

Subd. 4. Each capital loan shall be for a term of 30 years and evidenced by a contract between the school district and the state acting through the committee. It shall obligate the state to pay to the district, out of the maximum effort school loan fund, an amount computed as provided in subdivision 1, upon receipt by the committee of a certified resolution of the school board reciting that contracts for construction of the facilities for which the loan is granted have been awarded and that bonds of the district have been issued and sold in the amount necessary to pay all costs thereof in excess of the amount of the loan, and estimating such costs. It shall obligate the district ~~on its full faith and credit to~~ repay the entire principal of the state loan out of the excesses of its maximum effort debt service levy over its required debt service levy, ~~and also to pay including~~ interest at a rate determined annually by the commissioner of finance, ~~not less at the multiple of one-tenth of one percent per annum next higher than the average annual rate payable on Minnesota state school loan bonds most recently issued prior to the disbursement of the loan to the district, but in no event less than 3½ percent per annum~~ on the principal amount from time to time unpaid. The district shall each year, as long as it is indebted to the state, levy for debt service (a) the amount of its maximum effort debt service levy or (b) the amount of its required debt service levy, whichever is greater, except as such required debt service levy may be reduced by a loan under section 124.42. Whenever the maximum effort debt service levy is greater, the district shall remit to the commissioner within ten days after its receipt of the last regular tax distribution in each year, that portion of the debt service tax collections, including penalties and interest, which exceeded the required debt service levy. The commissioner shall supervise the collection of outstanding accounts due the fund and may, by notice to the proper county auditor require the maximum levy to be made as required hereunder. Interest on capital loans shall be paid on December 15 of the year next following that in which the loan is granted and annually thereafter. In addition to the levies otherwise required by this subdivision, the district shall levy in each year, commencing in the year a capital loan is granted and continuing until the entire loan is paid, a sum sufficient to produce full payment of the interest payable in the ensuing year on its capital loan contract, and the proceeds of such levy shall in each year be remitted to the commissioner for payment of such interest. On or before November 1 in each year the commissioner shall notify the county auditor of each county containing taxable property situated within the school district of the amount of the maximum effort debt service levy of the district for that year, and the additional amount necessary to be levied to produce a sum five percent in excess of the total amount of interest to become due in the ensuing year on all capital and debt service loans of the district, and said county auditor or auditors shall extend upon the

tax rolls an ad valorem tax upon all taxable property within the district in the aggregate amount so certified. If any interest is not paid when due, the commissioner shall add the amount thereof to the amount of interest so certified in the following year, with one year's interest on such amount at the rate borne by the loan. In the event that any capital loan is not paid within 30 years after it is granted from maximum effort debt service levies in excess of required debt service levies, the liability of the school district thereon shall be satisfied and discharged and interest thereon shall cease. After a district's capital loan has been outstanding for 20 years, the district shall not issue bonds on the public market except for the purpose of refunding such loan.

Sec. 55. Minnesota Statutes 1974, Section 124.45, is amended to read:

124.45 [APPLICATIONS OF PAYMENT.] The commissioner shall apply payments received from collections of maximum effort debt service levies in excess of required debt service levies of a district on its debt service notes and capital loan contracts as follows: First, to payment of interest accrued on its notes, if any; second, to interest on its contracts, if any; third, toward principal on its notes, if any; and last, toward payment of principal of its contracts, if any. While more than one note or more than one contract is held, priority of application payment of interest shall be given to the one of earliest date of the instrument, and after interest accrued on all notes is paid, similar priority shall be given in the application of any remaining amount to the payment of principal. In any year when the receipts from a district are not sufficient to pay the interest accrued on any of its notes or contracts, the deficiency shall be added to the principal, and the commissioner shall notify the district and each county auditor concerned of the new amount of principal of the note or contract.

Sec. 56. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.561] [POST-SECONDARY VOCATIONAL-TECHNICAL EDUCATION FUNDING.] Subdivision 1. [PURPOSE.] The purpose of sections 56 to 59 of this act is to change the funding of post-secondary vocational-technical education from reimbursement of post expenditures to a current funding process.

Subd. 2. [CURRENT AID.] Beginning July 1, 1975, the state board for vocational education shall not enter into agreements to pay reimbursements but shall be obligated for reimbursement payments incurred in fiscal year 1975. Beginning July 1, 1976, all post-secondary vocational foundation aid and post-secondary vocational categorical aid shall be paid for the current fiscal year in accordance with sections 57 and 58 of this act.

Subd. 3. [BUDGETS.] Before January 1, 1976, and before January 1 of each year thereafter post-secondary vocational-technical school budgets for the following fiscal year shall be submitted to the state board for vocational education. The state board for vocational education shall approve the state and federal portion of the budgets for each district at a consolidated public hearing

held pursuant to Minnesota Statutes, Chapter 15, which shall be held prior to May 15 of each year and which shall continue until all interested persons, representatives, and organizations have had an opportunity to be heard. The total amount of reimbursement payments approved for fiscal year 1975 payable in fiscal year 1976 shall not exceed by more than 14 percent the amount appropriated for post-secondary vocational-technical education for payment in fiscal year 1975. No district shall increase its indebtedness during fiscal year 1976 or any year thereafter unless authorized to do so by the state board for vocational education. Any such increase in indebtedness shall be the sole responsibility of the school district and the state shall have no responsibility or liability for any such indebtedness. The state board for vocational education shall before January 1, 1975 promulgate rules and regulations which establish the approval criteria for budgets, including responsiveness to current and projected manpower needs of population groups to be served in the various geographic areas and communities of the state, particularly disadvantaged and handicapped persons; adequacy of evaluation of programs; and other criteria set forth in the state plan for vocational education. The commissioner, in cooperation with the department of finance, shall establish program budget standards by which area vocational-technical institutes shall submit financial requests.

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

Sec. 57. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.562] [POST-SECONDARY VOCATIONAL FOUNDATION AID.] Subdivision 1. For the 1976-77 school year a district shall receive post-secondary vocational foundation aid in the amount of \$2,500 times the number of Minnesota resident post-secondary vocational-technical pupils in average daily membership, as defined in subdivision 3, less any amounts received as tuition for Minnesota resident post-secondary vocational-technical pupils.

Subd. 2. If the sum of the post-secondary vocational foundation aid to a district plus the amount raised by the levy allowable in Minnesota Statutes, Section 275.125, Subdivision 12, exceeds the sum of (1) the total allowable expenditures for the district as approved by the state board for vocational education, (2) debt service, and (3) fixed costs, the post-secondary vocational foundation aid shall be reduced by the amount of the excess.

Subd. 3. Membership for pupils in post-secondary vocational-technical schools shall mean the number of Minnesota resident pupils on the current roll of the school, counted from the date of entry until withdrawal. The date of withdrawal shall mean the day the pupil perma-

nently leaves the school or the date it is officially known that he has left or has been legally excused; provided that any pupil, regardless of age, who has been absent from school without a legally justifiable excuse for 15 consecutive school days shall be dropped from the roll and classified as withdrawn. Average daily membership shall equal the sum for all Minnesota resident pupils of the number of days of the school year each pupil is enrolled in a post-secondary vocational-technical school in a district divided by 175. Average daily membership for pupils who are enrolled on a part time basis, but not including adult vocational pupils, shall equal (a) the sum for all Minnesota resident pupils of the number of days of the school year each pupil is enrolled in a post-secondary vocational-technical school in the district times the number of hours per day each student is enrolled divided by the number of hours the school is in session per day (b) divided by 175. For a post-secondary vocational-technical school, the normal school year shall be at least the number of session days required by Minnesota Statutes, Section 124.19, Subdivision 1. In all post-secondary vocational-technical schools, the minimum length of the school day for each pupil, exclusive of the noon intermission, shall be six hours. Exceptions may be made by the local school administration for approved programs to meet individual student needs.

Subd. 4. All funds, whether state, federal, or from other sources, which may be made available to the department of education for carrying out the purposes of post-secondary vocational-technical education shall be apportioned by the state board for vocational education to the various school districts in accordance with law and shall be distributed by the state aids, statistics and research section of the state department of education. All post-secondary vocational foundation and categorical aids shall be paid to the school district where the pupil is in attendance.

Subd. 5. Each district providing post-secondary vocational-technical education programs shall establish and maintain accounts separate from all other district accounts for the receipt and disbursement of all funds related to these post-secondary vocational-technical education programs. All post-secondary vocational foundation and categorical aids and all funds received pursuant to the levy authorized by Minnesota Statutes, Section 275.125, Subdivision 12, shall be utilized solely for the purposes of post-secondary vocational-technical education programs.

Subd. 6. The provisions of Minnesota Statutes, Section 124.212, Subdivisions 10 to 18, shall apply to this section.

Subd. 7. None of the provisions of Minnesota Statutes, Chapter 16, shall apply to appropriations enacted to carry out the provisions of this section.

Subd. 8. This section shall be effective July 1, 1976.

Sec. 58. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.563] [POST-SECONDARY VOCATIONAL CATEGORICAL AID.] Subdivision 1. "Post-secondary vocational categorical aid" means all state and federal funds, exclusive of post-secondary vocational foundation aid, apportioned by the state board for vocational education to local school districts for the purpose of assisting in the conduct of

post-secondary vocational-technical training. No district shall qualify for post-secondary vocational categorical aid unless it has certified the maximum levy permitted it by section 275.125, subdivision 12. In the apportionment of this aid, priority shall be given to districts conducting high cost programs which require funds in addition to the post-secondary vocational foundation aid provided.

Subd. 2. Post-secondary vocational categorical aid shall be apportioned by the state board for vocational education at a consolidated public hearing held pursuant to Minnesota Statutes, Chapter 15. One such public hearing shall be held in February and one in August of each year. All aid approved at the public hearings shall be distributed to the districts on March 15 and September 15 of each year. On the date of each post-secondary vocational categorical aid payment, the state board shall report to the appropriate committees of the legislature on the distribution of post-secondary vocational categorical aid. The report shall include (a) the recipients of the aid; (b) the amounts distributed; and (c) the reasons for these distributions.

Subd. 3. Sixteen and two-thirds percent of all discretionary federal money received by the state for vocational education shall be distributed to local school districts as post-secondary vocational categorical aid for the purpose of assisting in the conduct of post-secondary vocational-technical training.

Subd. 4. This section shall be effective July 1, 1976.

Sec. 59. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.564] [POST-SECONDARY VOCATIONAL EDUCATION TUITION.] Subdivision 1. Any Minnesota resident who is under 21 years of age may attend a post-secondary vocational-technical school without tuition, provided that the individual meets the entrance requirements for the training course in which enrollment is sought and the school has the room and the facility to receive him.

Subd. 2. Any person who has attained his 21st birthday and who would, but for that fact, qualify under subdivision 1 to attend a post-secondary vocational-technical school without tuition, may attend the school without tuition subject to the other provisions of this subdivision, if he entered active military service in any branch of the armed forces of the United States before his 21st birthday, and who has then been separated or discharged from active military service under conditions other than dishonorable, and if he applies for admission to the school before his 29th birthday. Time after separation or discharge from military service spent as an in-patient in a hospital or similar institution for treatment of an illness or disability or in recovery from an illness or disability that prevents gainful occupation or study shall be added to the time allowed for application.

Subd. 3. Tuition at a post-secondary vocational-technical school for a Minnesota resident pupil who does not come within the exemptions provided in subdivisions 1 and 2, shall be \$2 per day for each school day the pupil is enrolled.

Subd. 4. Unless covered by a higher education reciprocity agree-

ment relating to nonresident tuition, entered into by the Minnesota higher education coordinating commission and approved by the state board for vocational education, tuition at a post-secondary vocational-technical school for a pupil who is not a resident of Minnesota shall be \$4 per day for each school day the pupil is enrolled.

Subd. 5. The state board for vocational education may pay a school district or post-secondary vocational-technical school in another state for tuition charges for Minnesota pupils who meet the qualifications of subdivisions 1 and 2 and who are enrolled in post-secondary vocational-technical schools in that state. This payment may not exceed the amount specified for post-secondary vocational foundation aid in section 57 of this act. This subdivision shall expire June 30, 1976.

Sec. 60. Minnesota Statutes 1974, Section 124.57, is amended to read:

124.57 [AID FOR VOCATIONAL EDUCATION.] Whenever any district shall have established a vocational school, department, or classes in accordance with the rules and regulations established by the state board adopted by that board, and the plan for vocational education, and approved by the United States office of education or other federal agency to which its functions are assigned, the state board shall reimburse such district or state tax supported institution for its expenditures for salaries and necessary travel of vocational teachers or other reimbursable expenditures from federal funds and may supplement such federal funds with such state aid as it may deem desirable under such rules as it may adopt, provided, however, that in the event of such funds not being sufficient to make such reimbursement in full, the state board shall prorate the respective amounts available to the various districts entitled to receive reimbursement. All instruction may be given at the place of the abode of the pupils, and adults may be given instruction in adjoining or nearby districts.

In like manner the state board shall have power to reimburse other governmental agencies for expenditures for salaries and necessary travel expenses of vocational teachers from federal funds, according to rules and regulations adopted by the state board.

When local districts desire but cannot provide vocational instruction for the related training required by apprentices and other learners in the trade, industrial, and distributive fields, the state board is empowered upon request of such local district or districts to employ itinerant vocational teachers to provide this service and pay the salary and necessary travel expense from authorized federal and state vocational aid funds under such rules as it may adopt. An itinerant vocational teacher in this section is defined as a vocational teacher employed to give part-time or periodic vocational instruction in one or more districts.

Sixteen and two-thirds percent of all discretionary federal money received by the state for vocational education shall be distributed under this section as aid to local school districts for secondary vocational education programs. Sixteen and two-thirds percent of all discretionary federal money received by the state for vocational education shall be distributed under this section as aid to local school districts for adult vocational education programs.

This section shall apply only to secondary and adult vocational education programs. Sections 56 to 59 of this act shall not apply to secondary and adult vocational education programs. This section of this act shall be effective July 1, 1976.

Sec. 61. Minnesota Statutes 1974, Chapter 124, is amended by adding a section to read:

[124.807] [DECREASED ASSESSED VALUATION.] *If in any year the assessed value of any district is less than the assessed value of the immediate preceding year, the equalization aid review committee shall, upon notification by the county assessor prior to October 16 of that assessment year, redetermine the adjusted assessed value of the immediate preceding year taking into account the decrease in assessed value. On or before November 1 of the assessment year, the equalization aid review committee shall file the redetermined adjusted assessed value with the commissioner of education who shall thereupon certify to the county auditors and school districts affected the appropriate levy limits of the school districts affected pursuant to section 275.125, subdivision 9. Notwithstanding section 275.07, the districts affected may certify the taxes voted to the county auditor on or before December 1.*

Sec. 62. Minnesota Statutes 1974, Section 128.04, is amended to read:

128.04 [DUTIES OF BOARD.] It shall be the duty of the board to furnish school facilities to every child of school age residing in any part of the county district, either by building school houses, leasing schoolrooms, transporting the children to the nearest school, boarding the children within convenient distance of school at the expense of the board, or otherwise, and to provide necessary supplies and text and library books.

The annual meeting as held in ~~ten or more townships independent~~ districts need not be held, but the clerk of the board shall publish once in a legal newspaper published in the county the annual report required by law to be made by the district treasurer.

When not otherwise provided in sections 128.01 to 128.06, the school board of any such county district shall have and exercise all of the powers and be subject to the same laws and regulations as boards of ~~ten or more townships independent~~ districts, and all laws applicable to ~~ten or more townships independent~~ districts, and all laws applicable to state aid for equalizing educational opportunities in unorganized territory shall apply to the county district including Laws 1921, Chapter 467.

Sec. 63. Minnesota Statutes 1974, Section 275.125 is amended by adding a subdivision to read:

Subd. 2b. (1) In 1975, a school district may levy for all general and special school purposes, an amount equal to the amount raised by the 1974 adjusted assessed valuation of the district times the number of mills, not to exceed 28, that bears the same relation to 28, as the greater sum computed pursuant to section 124.212, subdivision 7b, clause (2), bears to \$950.

(2) In 1976, a school district may levy for all general and special

school purposes, an amount equal to the amount raised by the 1975 adjusted assessed valuation of the district times the number of mills, not to exceed 28, that bears the same relation to 28, as the sum of the greater sum computed pursuant to section 124.212, subdivision 7b, clause (2), and the greater of (a) two thirds of the difference that results when such greater sum is subtracted from \$1010, or (b) \$60, bears to \$1010.

(3) For any district levying less than the maximum levy allowable in clauses (1) and (2) of this subdivision, beginning with the levy certified in 1975, payable in 1976, the foundation aid to that district, calculated pursuant to section 124.212, shall be reduced by the amount of the difference between the actual levy and the maximum levy allowable under clauses (1) and (2).

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

Sec. 64. Minnesota Statutes 1974, Section 275.125, Subdivision 3, is amended to read:

Subd. 3. In addition to the levy authorized by section 275.125, subdivision 2a 2b, a qualifying district may levy additional amounts as follows: provided in subdivisions 4 to 13 of this section.

~~(1).~~ Subd. 4. The amounts necessary to make payments for bonds issued and for interest thereon, including the bonds and interest thereon, issued as authorized by clause (7) (C) of section 275.125, subdivision 3, as it read on January 1, 1975 ~~this subdivision~~, and for repayment of debt service loans and capital loans, the amount authorized for capital expenditures pursuant to section 124.04, and the amount authorized for liabilities of

dissolved districts pursuant to section 122.45 and the amounts necessary to pay the district's obligations under section 268.06, subdivision 25.

(2) *Subd. 5.* For school transportation services, an amount not to exceed the amount raised by a levy of one mill times the adjusted assessed valuation of the taxable property of the district for the preceding year; . provided that in 1973 and thereafter a district having boundaries coterminous with the boundaries of a city of the first class may levy an amount not to exceed 20 percent of its costs for transportation and related services for which state aid is authorized for the 1974-1975 school year and thereafter, and provided further that A district may levy under this clause for the annual cash payments to be made for the purchase of buses, but only for that portion of the payments not offset by state transportation aid received on account of depreciation; and provided further that beginning with the levy certified in 1974, a district may levy for that portion of transportation costs approved by the commissioner as qualifying for aid because of extraordinary traffic hazards but for which no state aid is receivable for the current fiscal year pursuant to section 124.223, clause (1).

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

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

(5) *Subd. 6.* For the 1974 levy, collectible in 1975, In 1975 and each year thereafter, any district, other than a district with boundaries coterminous with the boundaries of a city of the first class, in which the 1970-1971 adjusted maintenance cost per pupil unit in average daily membership was greater than \$663 per pupil unit, may levy the greater of (1) an amount per pupil unit which is equal to or less than the difference between the 1970-1971 adjusted main-

tenance cost per pupil unit in average daily membership and \$663 per pupil unit, reduced by two and one-half percent each year or (2) an amount which is equal to or less than that amount raised by the number of mills levied in 1974 pursuant to Minnesota Statutes 1974, Section 275.125, Subdivision 3, Clause (5), reduced by two and one-half percent each year, times the adjusted assessed valuation of the taxable property in the district for the preceding year. No district may levy under this clause an amount which exceeds the sum of the levy permitted under section 275.125, subdivision 3 (3) and the amount raised by 2 mills times the adjusted assessed valuation of the taxable property of the district for the preceding year. Provided, however, that a district with boundaries coterminous with the boundaries of a city of the first class which was affected by the limitation of an extra levy not to exceed 1.9 mills times the adjusted assessed valuation of the district shall be allowed to levy 2.0 mills.

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

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

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

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

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

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

~~(8)~~ *Subd. 7.* In 1973 1975, and each year thereafter, for a district which has established a community school advisory council pursuant to section 121.88, whether or not the district receives reimbursement from the state pursuant to section 121.89, an amount of money raised by the greater of (A) 1\$ \$2 per capita, or (B) the number of mills not to exceed the number of mills necessary in 1973 1975 to raise \$1 \$2 per capita in 1973 1975 for community services including summer school, nonvocational adult programs, recreation programs, and programs contemplated by sections 121.85 to 121.89.

A school district shall be authorized to make this additional levy only after it has filed a certificate of compliance with the commissioner of education, certifying that members of the school board have met with members of the governing bodies of the county and city or township in which the school district, or any part thereof, is located, in order to discuss methods of increasing mutual cooperation between such bodies.

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

~~(9)~~ *Subd. 8.* Districts which receive payments which result in deductions from foundation aid pursuant to section 124.212, subdivision 8a, shall reduce the permissible levies authorized by *subdivisions 3 to 13 of this section* ~~this subdivision~~ by 25 percent in 1973, 50 percent in 1974, 75 percent in 1975, and 100 percent for each year thereafter of that portion of the previous year's payment not deducted from foundation aid on account of the payment, unless such a levy reduction is otherwise required by law. The levy reductions shall be made in the proportions that each permissible levy bears to the sum of the permissible levies.

~~(10)~~ *Subd. 9.* The commissioner shall certify to the county auditors the levy limits for all school districts headquartered in the respective counties together with adjustments for errors in levies not penalized pursuant to subdivision 4 14 as well as adjustments to final pupil unit counts.

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

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

~~(11)~~ *Subd. 10.* The commissioner of education shall certify to the county auditors any underlevies made in 1971 and 1972 in the transportation levy amounts. The 1971 underlevies shall be determined to be (1) the actual net costs of reimbursable transportation as reported to the department of education for the 1972-1973 school year plus the amount expended by the district to acquire school buses in 1972-1973 used for reimbursable transportation, less (2) the 1971 certified transportation levy as amended and state aids received in 1972-1973 for transportation including depreciation. Underlevies in the 1972 transportation levy shall be computed in like manner using 1973-1974 costs and state aids received in the 1973-1974 school year. The 1974 levy shall be adjusted to correct for such underlevies, provided that upon written request of the affected school board to the commissioner, the adjustment shall be prorated in the 1974 and 1975 transportation levies. No district may levy under this clause in any year an amount which exceeds the amount raised by a levy of two mills times the previous year's adjusted assessed valuation of the taxable property of the district.

~~(12)~~ *Subd. 11.* When a district finds it economically advantageous to rent or lease existing school buildings for instructional purposes, and the proceeds of the levy permitted under section 124.04 are insufficient for this purpose, it may apply to the commissioner for permission to make an additional capital expenditure levy for this purpose. An application for permission to levy under this clause shall contain financial justification for the proposed levy, the terms and conditions of the proposed lease, and a description of the space to be leased and its proposed use. The criteria for approval of applications to levy under this clause shall include: the reasonableness of the price, the appropriateness of the space to the proposed activity, the feasibility of transporting pupils to the leased building, conformity of the lease to the laws and regulations of the state of Minnesota, and the appropriateness of the proposed lease to the space needs and the financial condition of the district. The commissioner shall not authorize a levy under this clause in an amount greater than the cost to the district of renting or leasing a school building for approved purposes.

Sec. 65. Minnesota Statutes 1974, Section 275.125, is amended by adding a subdivision to read:

Subd. 12. Districts maintaining a post-secondary vocational-technical school shall levy for post-secondary vocational-technical purposes as follows:

(1) For districts in cities of the first class, a minimum of one-half mill up to a maximum of two mills, exclusive of debt service, times the adjusted assessed valuation of the taxable property of the district for the preceding year as determined by the equalization aid review committee.

(2) For districts formed pursuant to Laws 1967, Chapter 822,

as amended, and Laws 1969, Chapters 775 and 1060 as amended, a minimum of one-half mill up to a maximum of two mills, exclusive of debt service, times the adjusted assessed valuation of the taxable property of the district for the preceding year as determined by the equalization aid review committee.

(3) For other districts maintaining post-secondary vocational schools, a minimum of one mill up to a maximum of three mills, exclusive of debt service, times the adjusted assessed valuation of the taxable property of the district for the preceding year as determined by the equalization aid review committee.

Sec. 66. Minnesota Statutes 1974, Section 275.125, is amended by adding a subdivision to read:

Subd. 13. Districts maintaining a post-secondary vocational-technical school may levy additional amounts as follows:

(1) A district maintaining a post-secondary vocational-technical school shall assume responsibility for a local share of the district post-secondary vocational deficit. The local share shall be 30 percent of the district post-secondary vocational deficit as of July 1, 1975, as certified to the commissioner of education pursuant to Minnesota Statutes, Section 124.561, Subdivision 4, for post-secondary vocational-technical schools established prior to December, 1971. For post-secondary vocational-technical schools established subsequent to November, 1971, the local share of the district post-secondary vocational deficit as of July 1, 1976, as certified to the commissioner, shall be 15 percent.

(2) For the purpose of eliminating the local share of its post-secondary vocational deficit, a district may petition the commissioner of education for authority to make an additional levy. Before such a levy can be made, it must be approved by the commissioner. The approval shall specify the years in which the additional levy may be made and shall specify its dollar amount. No levy so approved shall be made in more than four successive years, beginning with the levy certified in 1975, and shall not annually exceed .25 mills in a district in a city of the first class, 1.5 mills in districts formed pursuant to Laws 1969, Chapter 1060, as amended; Laws 1969, Chapter 775, as amended; or Laws 1967, Chapter 822, as amended, or three mills in any other district maintaining a post-secondary vocational-technical school times the adjusted assessed valuation of the district for the preceding year as determined by the equalization aid review committee. Under no circumstances may a district, other than a district with a post-secondary vocational-technical school established subsequent to November, 1971, levy a total amount greater than the local share of its post-secondary vocational deficit as of July 1, 1975, as certified to the commissioner of education. Under no circumstances may a district with a post-secondary vocational-technical school established subsequent to November, 1971 levy a total amount greater than the local share of its post-secondary vocational deficit as of July 1, 1976, as certified to the commissioner of education.

(3) If the additional levy allowed in clause (2) of this subdivision would be insufficient to eliminate the local share of the

district's post-secondary vocational deficit as of July 1, 1975, or as of July 1, 1976 in the case of a district with a post-secondary vocational-technical school established subsequent to November, 1971, as certified to the commissioner of education, it may petition the commissioner of education for authority to issue general obligation bonds in an amount sufficient to meet the deficiency. Before the bonds may be issued, they must be authorized by the commissioner. The authorization shall specify a term not to exceed seven years and the amount of the bond issue provided that the levy authorization to pay the principal and interest on the bonds may not annually exceed .25 mills in a district in a city of the first class, .5 mills in districts formed pursuant to Laws 1969, Chapter 1060, as amended; Laws 1969, Chapter 775, as amended; or Laws 1967, Chapter 822, as amended, or six mills in any other district maintaining a post-secondary vocational-technical school times the 1973 adjusted assessed valuation of the district as determined by the equalization aid review committee; provided, however, that the mill limitation is subject to the provisions of Minnesota Statutes, Section 475.74. The bonds authorized by this section shall be sold and issued pursuant to the provisions of Minnesota Statutes, Chapter 475, except as otherwise provided herein. The bonds shall not be included in computing any debt limitation for a district and no election shall be required for their sale and issuance.

(4) A district may not be authorized an additional levy under both clauses (2) and (3) of this subdivision.

(5) The state shall assume responsibility for 70 percent of a district's post-secondary vocational deficit as of July 1, 1975, as certified to the commissioner of education, for post-secondary vocational-technical schools established prior to December, 1971. The state shall assume 85 percent of a district's post-secondary vocational deficit as of July 1, 1976, as certified to the commissioner of education, for post-secondary vocational-technical schools established subsequent to November, 1971. The state portion of the deficit shall be paid to each district in fiscal years 1977 and 1978 in two equal payments, provided that the levy for the district's portion of the deficit has been approved by the commissioner and the required portion for the 1975 levy has been certified to the county auditor.

Sec. 67. Minnesota Statutes 1974, Section 275.125, Subdivision 4, is amended to read:

Subd. 4 14. Any district which in any year levies an amount which is greater than the amount allowed by subdivisions 2 2b and 3 to 13, shall lose an amount of state foundation aid equal to one-half of the excess in the levy, provided that any levy which is found to be excessive as a result of a decision of the tax court or a re-determination by the equalization aid review committee under section 124.212, subdivisions 11 to 20, shall not be compensated for in the next levy of the district. The amount of aid lost shall be deducted from the aid which would otherwise have been received for the school year which commences in the calendar year during which the excessive levy is being collected. Any foundation aid so withheld shall be withheld in accordance with the procedures specified in

section 124.15. A levy made in 1971 prior to the effective date of Extra Session Laws 1971, Chapter 31, Article 20 shall be reviewed, and may be modified, by the appropriate authority of the district for the purpose of reducing such levy to conform to the limitation imposed by Extra Session Laws 1971, Chapter 31, Article 20. Any reduction in such levy made prior to December 15, 1971 shall be given the same effect as though such reduction had been made prior to the expiration of the time allowed by law for making the levy.

Sec. 68. Minnesota Statutes 1974, Section 275.125, Subdivision 5, is amended to read:

Subd. 5 15. For the purposes of this section, the number ~~by~~ of pupil units in average daily membership shall be computed in accordance with section 124.17, provided that the district may use an estimated average daily membership for the current school year. Any district which increased its pupil units, exclusive of consolidation, or merger of districts, or change of definition of pupil units by more than five percent from one year to another may use an estimated pupil unit count for the next succeeding school year for determining a levy certified in the current year. If as a result of such estimate the levy is different from the amount that could actually have been levied under this section had such levy been based upon the pupil units computed under section 124.17 for that school year, then in that event the authorized levy for the following year shall be adjusted for the difference.

Sec. 69. Minnesota Statutes, Section 275.125, Subdivision 6, is amended to read:

Subd. 6 16. Notwithstanding any other charter provision, general or special laws to the contrary, every school district in the state shall abide by the terms and provisions of this section.

Sec. 70. Minnesota Statutes 1974, Section 275.125, Subdivision 7, is amended to read:

Subd. 7 17. By November 1 of each year each district shall submit to the commissioner of education a certificate of compliance with the levy limitations of this section. The commissioner of education shall prescribe the form of this certificate.

Sec. 71. Minnesota Statutes 1974, Section 275.48, is amended to read:

275.48 [ADDITIONAL TAX LEVIES IN CERTAIN MUNICIPALITIES.] Whenever *by virtue of chapter 278, sections 270.07, 375.192, or otherwise*, the assessed valuation of any city, township or school district for any taxable year is reduced after the taxes for such year have been spread by the county auditor and whenever the mill rate as determined by the county auditor based upon the original assessed valuation is applied upon such reduced valuations and does not produce the full amount of taxes as actually levied and certified for such taxable year upon the original assessed valuations, such city, township or school district may include in its tax levy made following *final determination and notice* of such reduction in assessed valuation, an amount equal to

the difference between the total amount of taxes actually levied and certified for such taxable year upon the original assessed valuation, not exceeding the maximum amount which could be raised upon such assessed valuation as reduced, within existing mill limitations, if any, and the amount of taxes collected for such taxable year upon such reduced valuations.

The amount of taxes so included shall be levied separately and shall be levied in addition to all limitations ~~permitted by section 275.11, as other applicable laws limiting levies in cities, towns or school districts imposed by law; and further shall not result in any penalty in the nature of a reduction in state aid of any kind .~~

Sec. 72. Minnesota Statutes 1974, Section 475.54, Subdivision 2, is amended to read:

Subd. 2. A serial maturity schedule conforming to subdivision 1 may be established for each new issue of obligations of a municipality, or the governing body may in its discretion adjust such schedule so that the combined maturities of the new issue and any other designated issue or issues will conform to subdivision 1, provided that all such issues are general obligations or all are payable from a common fund. Notwithstanding the provisions of any other general or special law, any school district having an outstanding state loan or loans, if it issues and sells bonds on the public market for any purpose other than refunding such loans , *or refunding outstanding bonds as provided herein shall adjust the schedule of the maturities thereof so that the total amount of principal and interest to become due on these bonds and on all other bonds of the school district, during each of the 30 fiscal or calendar years next following, will be as nearly equal as practicable, provided that the annual amounts of maturing principal may be fixed at multiples of \$5,000. A school district which has an outstanding state loan or loans may refund outstanding bonds, provided that the school loan committee established in section 124.41 approves such refunding. The committee shall approve refunding outstanding bonds only if such refunding results in lower annual debt service payments than the district made prior to the refunding.*

Sec. 73. Laws 1967, Chapter 822, Section 7, as amended by Laws 1969, Chapter 945, Section 2, is amended to read:

Sec. 7. [TAX LEVIES.] ~~If so provided in the agreement, The joint school board may shall each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred for area vocational-technical schools, certify to each participating school district a the tax levy which shall never in any year exceed four mills on each dollar of assessed valuation of all taxable property specified in Minnesota Statutes, Section 275.125, Subdivision 12, Clause (2). Additional tax levies may be certified which shall not in any year exceed two .6 mills on each dollar of assessed valuation for expenses for the following: special education ; and driving of motor vehicles. Of the amount so levied, however, not to exceed one-half of one mill shall be for the driving of motor vehicles, it being contemplated that 50 percent of the cost thereof be paid by the student. Each participating~~

school district shall include such tax ~~levy~~ *levies* in the next tax roll which it shall certify to the county auditor or auditors, and shall remit the collections of such ~~levy~~ *levies* to the board promptly when received. Such ~~levies~~ *levies* shall not be included in computing the limitations upon the levy of any district under Minnesota Statutes, Section ~~275.12~~ *275.125*. The board may, any time after such ~~levy~~ *has levies* have been certified to the participating school districts, issue and sell certificates of indebtedness in anticipation of the collection of such ~~levy~~ *levies*, but in aggregate amounts such as will not exceed the portion of the ~~levy~~ *levies* which is *are* then not collected and not delinquent.

Sec. 74. Laws 1969, Chapter 775, Section 4, Subdivision 2, as amended by Laws 1971, Chapter 267, Section 3, is amended to read:

Subd. 2. The intermediate school board ~~may~~ *shall* in each year for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred certify to each county auditor of each county in which said intermediate school district shall lie, as a single taxing district, *a the tax levy which shall never in any year exceed five mills, exclusive of debt service, on each dollar of assessed valuation of all taxable property within said intermediate school district specified in Minnesota Statutes, Section 275.125, Subdivision 12, Clause (2). An additional tax levy may be certified which shall not in any year exceed .6 mills on each dollar of assessed valuation for expenses for special education.* Said annual tax ~~levy~~ *levies* shall be certified pursuant to Minnesota Statutes ~~1969~~ , Section 124.02. Upon such certification the county auditor or auditors and other appropriate county officials shall levy and collect such ~~levies~~ *levies* and remit the proceeds of collection thereof to the intermediate school district as in the case with independent school districts. Such ~~levy~~ *levies* shall not be included in computing the limitations, if any, upon the levy of the intermediate district or any of the participating districts under Minnesota Statutes ~~1967~~ , Section ~~275.12~~ *275.125* . After such ~~levies~~ *levies* have been certified to the appropriate county officials the intermediate school board may issue and sell by negotiation or at public sale its certificates of indebtedness in anticipation of the collection of such ~~levies~~ *levies*, but in aggregate amount such as will not exceed the portion of such tax ~~levy~~ *levies* which is then not collected and not delinquent.

Sec. 75. Laws 1969, Chapter 1060, Section 7, is amended to read:

Sec. 7. [TAX LEVIES.] ~~If so provided in the agreement, The joint school board may~~ *shall* each year, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred for area vocational-technical schools, certify to each participating school district *a the tax levy which shall never in any year exceed four mills on each dollar of assessed valuation of all taxable property specified in Minnesota Statutes, Section 275.125, Subdivision 12, Clause 2. Additional tax levies may be certified which shall not in any year exceed .6 mills on each dollar of assessed valuation for expenses for special education.*

Each participating school district shall include such tax levy levies in the next tax roll which it shall certify to the county auditor or auditors, and shall remit the collections of such levy levies to the board promptly when received. Such levies shall not be included in computing the limitations upon the levy of any district under Minnesota Statutes, Section 275.12 275.125 . The board may, any time after such levy has levies have been certified to the participating school districts, issue and sell certificates of indebtedness in anticipation of the collection of such levy levies, but in aggregate amounts such as will not exceed the portion of the levy levies which is are then not collected and not delinquent.

Sec. 76. Laws 1971, Chapter 722, Section 1, is amended to read:

Section 1. [SPECIAL DISTRICT NO. 1; TAX LEVY.] To provide moneys to pay any administrative, operational, planning or capital expenses of an area vocational-technical school established pursuant to the provisions of Minnesota Statutes, Section 121.21, the board of directors of special school district No. 1 of Minneapolis may shall levy annually upon all taxable property in the district a the tax specified in Minnesota Statutes, Section 275.125, Subdivision 12, Clause (1) in excess of the limitation contained in Minnesota Statutes, Section 275.12 275.125.

Sec. 77. Laws 1973, Chapter 683, Section 26, Subdivision 17, is amended to read:

Subd. 17. The provisions of this section shall expire July 1, 1977 1979. At any time the experimental school may be terminated upon unanimous vote of the officers of the committee and 30 days notice to the board of District No. 309, whereupon the board of District No. 309 shall resume the care, management and control of the entire district on July 1 following. Prior to December 1 of each year the committee shall submit to the legislature a report of the experimental school established by this section. Such report shall document the success or failure of the experimental school.

Sec. 78. Laws 1974, Chapter 521, Section 9, is amended to read:

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

Sec. 79. Laws 1975, Chapter 13, Section 110, Subdivision 1, is amended to read:

473.633 [SCHOOL DISTRICTS.] Subdivision 1. [ALLOCATION FROM PROCEEDS OF INCOME TAXES.] When the properties of any school district in this state are detached from such school district because they comprise a part of or are located on a major airport, such district shall receive annually an allocation from the proceeds of income taxes in the an amount that would be produced by a tax on such detached properties at the current tax rate for school purposes in the school district. *In fiscal year 1976, the district shall receive 75 percent of the amount that would be produced by a tax on such detached properties at the current tax rate for school purposes in the school district. In fiscal year 1977, 50 percent of such amount; in fiscal year 1978, 25 percent of such amount.*

Sec. 80. Laws 1975, Chapter 13, Section 110, is amended by adding a subdivision to read:

Subd. 6. This section shall expire on June 30, 1978.

Sec. 81. Laws 1975, Chapter 13, Section 111, is amended to read:

473.635 [APPROPRIATION IN LIEU OF TAXES ON AIRPORT PROPERTY.] *In fiscal year 1976, there is hereby appropriated annually to Independent School District No. 16 of Anoka County the sum of \$15,000 \$11,250, of which ~~\$9,750~~ 65 percent of this amount is appropriated from the state airports account within the special revenue fund in the state treasury and ~~\$5,250~~ 35 percent of this amount is appropriated from the general fund in the state treasury, all as payment in lieu of taxes upon real property owned by the Minneapolis-St. Paul metropolitan airports commission. In fiscal year 1977, there is appropriated \$7,500 to Independent School District No. 16 with the same percentages appropriated from the same funds. In fiscal year 1978, there is appropriated \$3,750 to Independent School District No. 16 with the same percentages appropriated from the same funds. This section shall expire June 30, 1978.*

Sec. 82. [APPROPRIATION.] *There is appropriated from the general fund of the state treasury to the department of education the following sums for the years and purposes indicated:*

	For the year ending	
	June 30	
	1976	1977
(1) Foundation Aid	\$594,372,000	\$634,722,000
<i>The appropriation in (1) includes not to exceed \$300,000 in 1976 for emergency aid.</i>		
(2) Transportation Aid	\$ 60,448,000	\$ 71,130,000
(3) Special Education Aid	\$ 42,000,000	\$ 45,125,000
(4) Secondary Vocational Aid	\$ 12,000,000	\$ 13,000,000
(5) Adult Vocational Aid	\$ 3,100,000	\$ 3,700,000

		<i>For the year ending June 30</i>	
		1976	1977
(6)	<i>Veteran Farmer Cooperative Training Programs</i>	\$ 900,000	\$ 1,000,000
(7)	<i>Post-Secondary Vocational Foundation Aid</i>	\$ 0	\$ 66,000,000
(8)	<i>Post-Secondary Vocational Categorical Aid</i>	\$ 36,000,000	\$ 4,650,000
(9)	<i>Post-Secondary Vocational Deficit Payment</i>	\$ 0	\$ 1,540,000
(10)	<i>Adult Education Aid</i>	\$ 340,000	\$ 360,000
(11)	<i>G.E.D. Reimbursement Aid</i> <i>If the appropriation for this purpose in either year is insufficient, the reimbursement shall be prorated among all qualifying testing centers.</i>	\$ 60,000	\$ 60,000
(12)	<i>Programs for High Potential Children</i>	\$ 250,000	\$ 250,000
(13)	<i>Community Education Aid</i>	\$ 625,000	\$ 1,835,000
(14)	<i>Flexible School Year Incentive Grants</i> <i>The appropriation in (14) shall be used by the state board of education as incentive grants for school districts which begin operation of flexible school year programs pursuant to sections 120.59 to 120.67, after July 1, 1975. Not more than 10 percent of the appropriation in (14) may be expended for evaluation of these programs.</i>	\$ 200,000	
(15)	<i>Legislative School Finance Study Commission</i> <i>Any unexpended balance remaining from the appropriations in (1) to (15) for 1976 shall not cancel but shall be available for the second year of the biennium, unless otherwise provided in (1) to (15).</i>	\$ 65,000	\$ 65,000
(16)	<i>Extraordinary Tax Delinquency Advances to Independent School District No. 272</i>	\$ 140,000	\$ 160,000
(17)	<i>For Gross Earnings Aid Pursuant to Section 124.28</i>	\$ 800,000	\$ 700,000

	<i>For the year ending June 30</i>	
	1976	1977
(18) <i>Exempt Land Special School Aid Pursuant to Section 124.30</i>	\$ 400,000	\$ 400,000
(19) <i>For Aid to School Districts Pursuant to Laws 1975, Chapter 13, Section 110</i>	\$ 108,750	\$ 72,500
(20) <i>For Aid to School Districts Pursuant to Laws 1975, Chapter 13, Section 111</i>	\$ 11,250	\$ 7,500
(21) <i>School Aid—Counties A/C of Non Tax Areas</i>	\$ 48,000	\$ 48,000
<i>The amount appropriated in (21) shall be expended in 1976 and 1977, as provided in Laws 1971, Chapter 966, Section 16, for 1971 and 1972. If the appropriations made in (16) to (21) in either year are insufficient, the aids shall be prorated among all qualifying districts.</i>		

None of the amounts appropriated in (1) to (21) of this section shall be expended for a purpose other than the purpose indicated, unless otherwise provided in (1) to (21).

Sec. 83. [REPEALER.] *Laws 1969, Chapter 945, Section 3; Laws 1969, Chapter 1060, Section 8; Minnesota Statutes 1974, Sections 121.21, Subdivisions 5, 7, 9, and 10; 121.211; 124.50, are repealed. This section of this act shall be effective June 30, 1976.*

Sec. 84. [REPEALER.] *Laws 1919, Chapter 271; Laws 1951, Chapter 659; Minnesota Statutes 1974, Sections 124.212, Subdivisions 6a and 7a; 124.222, Subdivision 2; 124.475; 124.801; 124.802; 124.803; 124.804; 124.805; 124.806; 275.125, Subdivision 2a, are repealed."*

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

"A bill for an act relating to the operation of government; providing for aids to education, tax levies, and the distribution of tax revenues; changing the funding of adult education, special education, post-secondary vocational-technical education, and community school education to a current funding basis; establishing early childhood and family education programs and programs for high potential children; granting certain powers to school districts, the state board of education, and the state board for vocational education; providing state aid for extraordinary tax delinquency to Independent School District No. 272; providing penalties; appropriating money; amending Minnesota Statutes 1974, Sections 120.03, Subdivision 3; 120.17, Subdivision 1 and by adding a subdivision; 120.76; 120.80, Subdivision

1; 121.21, Subdivisions 2 and 6; 121.89; 123.80; 124.04; 124.11; 124.14, Subdivision 1 and by adding a subdivision; 124.17, Subdivisions 1, 2, and 2a; 124.18, Subdivision 2; 124.20; 124.212, Subdivisions 1, 2, 3a, 8a, 11, and by adding subdivisions; 124.222, Subdivisions 1, 3, and by adding a subdivision; 124.223; 124.26; 124.32, Subdivisions 1 and 5, and by adding a subdivision; 124.38, Subdivisions 4, 5, 7, and 8; 124.42, Subdivisions 1, 2, and 4; 124.43, Subdivisions 1, 2, 3, and 4; 124.45; 124.57; 128.04; 275.125, Subdivisions 3, 4, 5, 6, 7, and by adding subdivisions; 275.48; 475.54, Subdivision 2; Chapter 124, by adding sections; Laws 1967, Chapter 822, Section 7, as amended; Laws 1969, Chapters 775, Section 4, Subdivision 2, as amended; 1060, Section 7; Laws 1971, Chapter 722, Section 1; Laws 1973, Chapter 683, Section 26, Subdivision 17; Laws 1974, Chapter 521, Section 9; Laws 1975, Chapter 13, Section 110, Subdivision 1 and by adding a subdivision; Laws 1975, Chapter 13, Section 111; repealing Minnesota Statutes 1974, Sections 121.21, Subdivisions 5, 7, 9, and 10; 121.211; 124.212, Subdivisions 6a and 7a; 124.222, Subdivision 2; 124.475; 124.50; 124.801; 124.802; 124.803; 124.804; 124.805; 124.806; 275.125, Subdivision 2a; Laws 1919, Chapter 271; Laws 1951, Chapter 659; Laws 1969, Chapters 945, Section 3; and 1060, Section 8."

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 Mrs. Brataas to further amend S. F. No. 135 as follows:

Page 30, strike lines 7 through 17 and insert:

"Subd. 6b. For the 1975-1976 school year a district shall receive in foundation aid \$925 per pupil unit less 30 mills times the 1973 adjusted assessed valuation of the district."

Page 30, strike lines 21 through 28 and insert:

"Subd. 7b. For the 1976-1977 school year a district shall receive in foundation aid \$1,025 per pupil unit less 28 mills times the 1974 adjusted assessed valuation on the district."

There were yeas 5 and nays 9 as follows:

Those who voted in the affirmative were:

Brataas, Dunn, Patton, Stassen and Ueland

Those who voted in the negative were:

Anderson; Hughes; Humphrey; Kleinbaum; Lewis; Olson, H. D.; O'Neill; Stumpf and Wegener

The amendment was not adopted.

Pursuant to Rule 60, a roll call was taken on the motion of Mr. Stassen to further amend S. F. No. 135 as follows:

Page 30, strike lines 7 through 17 and insert:

"Subd. 6b. For the 1975-1976 school year a district shall receive in foundation aid \$910 per pupil unit less 30 mills times the 1973 adjusted assessed valuation of the district."

Page 30, strike lines 21 through 28 and insert:

"Subd. 7b. For the 1976-1977 school year a district shall receive in foundation aid \$970 per pupil unit less 28 mills times the 1974 adjusted assessed valuation of the district."

There were yeas 5 and nays 10 as follows:

Those who voted in the affirmative were:

Brataas, Dunn, Patton, Stassen and Ueland

Those who voted in the negative were:

Anderson; Hughes; Humphrey; Kleinbaum; Lewis; Moe; Olson, H. D.; Sillers; Stumpf and Wegener

The amendment was not adopted.

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

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.

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

Page 2, line 29, strike "100 days' pay or"

Page 2, lines 29 and 30, strike ", whichever is greater"

Pages 4 & 5, strike Section 3

Page 5, strike Section 4

Renumber sections in sequence

Further, amend the title as follows:

Page 1, line 10, strike the line after the semicolon

Page 1, line 11, strike the line before "amending"

Page 1, line 13, after "amended" strike the remainder of the line and insert a period

Page 1, strike line 14

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. 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.

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. 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.

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. 1460: A bill for an act relating to the city of St. Paul; authorizing planting, care, maintenance, spraying, trimming, protection, 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.

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

Page 2, line 2, strike "lieu of" and insert "addition to"

Page 2, line 9, strike "three mills" and insert "one mill"

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. 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.

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

Page 1, line 11, strike "a"

Page 1, line 12, strike "contract" and insert "contracts"

Page 1, line 14, strike "The contract" and insert "Contracts"

Page 1, line 16, strike "2" and insert "3"

Page 1, line 16, after "labor" insert "and resource recovery facilities"

Page 1, line 16, strike "a contract is" and insert "contracts are"

Page 1, line 18, strike "the contract" and insert "contracts"

And when so amended the bill do pass. 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. 1054: A bill for an act relating to insurance; legal expense insurance; authorizing the use of closed panel insurance plans; amending Minnesota Statutes 1974, Section 60A.08, Subdivision 10.

Reports the same back with the recommendation that the report from the Committee on Labor and Commerce shown in the Journal for April 14, 1975 that "the bill do pass" be 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. 829: A bill for an act relating to state colleges; permitting the state college board to designate certain colleges as state universities.

Reports the same back with the recommendation that the report from the Committee on Education shown in the Journal for April 7, 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 were referred for proper reference under Rule 35: S. F. Nos. 1230, 1127 and 1544 reports the same back with the recommendation that the bills be re-referred as follows:

S. F. Nos 1230 and 1127 to the Committee on Judiciary.

S. F. No. 1544 to the Committee on Natural Resources and Agriculture.

Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 54, the committee report on appointments to the

STATE ETHICS COMMISSION

Mrs. Elizabeth Ebbott

Mrs. Rosemary Davis

Stanley W. Holmquist

Judge Spencer Sokolowski

David Durenberger

Irene Scott

Reports the same back with the recommendation that the report from the Committee on Governmental Operations as shown in the Journal for April 14, 1975 that the "appointments be confirmed" be adopted.

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Coleman from the Committee on Rules and Administration, to which were referred letters received from the Honorable Wendell R. Anderson relative to appointments as shown in the Journal for April 14, 1975:

STATE BOARD OF EDUCATION

Daniel Burton

Reports the same back with the recommendation that the appointment be re-referred to the Committee on Education.

**COMMISSIONER OF THE DIVISION OF SECURITIES,
DEPARTMENT OF COMMERCE**

Edward Driscoll

Reports the same back with the recommendation that the appointment be re-referred to the Committee on Labor and Commerce.

MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

Vladimir Shipka

Reports the same back with the recommendation that the appointment be re-referred to the Committee on Education.

Report adopted.

Daniel Burton to the State Board of Education to the Committee on Education.

Edward Driscoll, Commissioner of the Division of Securities, Department of Commerce to the Committee on Labor and Commerce.

Vladimir Shipka to the Minnesota Higher Education Coordinating Commission to the Committee on Education.

Report adopted.

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

H. F. Nos. 350, 777 and 1003 for proper reference, recommends the above House Files be re-referred to their respective Committees as follows:

H. F. No. 777 to the Committee on Governmental Operations.

H. F. No. 350 to the Committee on Labor and Commerce.

H. F. No. 1003 to the Committee on Natural Resources and Agriculture.

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

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

H. F. Nos. 1160, 203, 981 and 674 for comparison to companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

GENERAL ORDERS		CALENDAR OF ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1160	1141	203	151		
981	389				
674	742				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1160 be amended as follows:

Page 2, after line 2, insert the following:

"Subd. 3. To carry out the purposes of this section a governmental unit is authorized to levy taxes in excess of any applicable statutory or charter levy limitations."

Renumber the remaining subdivisions in order

And when so amended, H. F. No. 1160 will be identical to S. F. No. 1141 and further recommends that H. F. No. 1160 be given its second reading and substituted for S. F. No. 1141 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 203 be amended as follows:

Page 4, after line 1, insert a section to read as follows:

"Sec. 2. *This act is effective upon approval by the city council of the city of Minneapolis and upon compliance with the provisions of Minnesota Statutes, Section 645.021.*"

And when so amended, H. F. No. 203 will be identical to S. F. No. 151 and further recommends that H. F. No. 203 be given its second reading and substituted for S. F. No. 151 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 981 be amended as follows:

Page 1, line 21, delete "up to 15 percent"

Delete page 3, line 18 through page 5, line 32 and insert in lieu thereof the following:

"Subd. 4. The commissioner of revenue or his duly authorized agents are hereby authorized and empowered to seize and confiscate in the name of the state any truck, automobile or means of transportation other than a common carrier, used in the illegal importation and transportation of any article or articles of tangible personal property by a retailer or his agent or employee who does not have a sales or use tax permit and has been engaging in transporting personal property into the state without payment of the tax, to demand the forfeiture and sale of the truck, automobile or other means of transportation together with the said property being transported unless the owner can establish to the satisfaction of the commissioner or the court that he had no notice or knowledge or reason to believe that the vehicle was used or intended to be used in any such violation. Within two days after the seizure, the person making the seizure shall deliver an inventory of the property seized to the person from whom the seizure was made, if known, and to any person known or believed to have any right, title, interest or lien on the property, and shall also file a copy with the commissioner. Within ten days after the date of service of the inventory, the person from whom the property was seized or any person claiming an interest in the property may file with the commissioner a demand for a judicial determination of the question as to whether the property was lawfully subject to seizure and forfeiture, and thereupon the commissioner, within 30 days, shall institute an action in the district court of the county where the seizure was made to determine the issue of forfeiture. The action shall be brought in the name of the state and shall be prosecuted by the county attorney or by the attorney general. The court shall hear the action without a jury and shall try and determine the issues of fact and law involved. Whenever a judgment of forfeiture is entered, the commissioner may, unless the judgment is stayed pending an appeal to the supreme court, cause the forfeited property to be sold at public auction as provided by law. If a demand for judicial determination is made and no action is commenced as provided in this subdivision, the property shall be released by the commissioner and redelivered to the person entitled to it. If no demand is made, the property seized shall be deemed forfeited to the state by operation of law and may be disposed of by the commissioner as provided where there has been a judgment of forfeiture. It is further the intent and purpose of these proceedings that the forfeiture and sale of the automobile, truck or other means of transportation, and of the property being transported therein, shall be and operate as a penalty for the violation of this chapter. After deducting the expense of keeping the property, the fee for seizure, and the costs of the sale, the commissioner shall pay all liens according to their priority, which are established at the hearing as being bona fide and as existing without the lienor having any notice or knowledge that such property was being used or was intended to be used for or in connection with any such violation as specified in the order of the court, and shall pay the balance of the proceeds into the state treasury to be credited to the general fund. Any sale under the provisions of this section shall operate to free the property sold from any and all liens thereon, and appeal from such order of the district court will lie to the supreme court as in other civil actions.

For the purposes of this section, "common carrier" includes any

person who engages in transportation of tangible personal property by motor vehicle such as, (1) persons possessing a certificate or permit authorizing for-hire transportation of property from the Interstate Commerce Commission or the Minnesota Public Service Commission; or (2) such persons transporting commodities defined as "exempt" in for-hire transportation; or (3) such persons who pursuant to contracts with persons described in (1) or (2) above, transport tangible personal property."

And when so amended, H. F. No. 981 will be identical to S. F. No. 389 and further recommends that H. F. No. 981 be given its second reading and substituted for S. F. No. 389 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 674 be amended as follows:

Page 3, line 20, delete "*uncontested*"

Page 3, line 23, delete "*uncontested*"

Page 3, line 26 after "*the*" insert "*uncontested*"

Page 4, line 22, delete "8" and insert "9"

Page 8, line 19, delete "*an uncontested*" and insert "*a certain*"

Page 8, lines 19 and 20 delete "*owed to the commissioner of revenue*"

Page 9 line 15, delete "*that*" and insert "*his homestead and property*"

Page 9, line 16, before "550.37" insert "510.01 or"

Page 10, line 5, delete "*The levy for collection of*"

Page 10, delete lines 6 to 32

Page 11, delete lines 1 to 32

Page 12, delete lines 1 to 15

Page 12, line 22, delete "*eight*" and insert "*nine*"

Page 12, line 24, delete "*Unpaid*"

Page 12, delete lines 24 to 28

Page 12, line 31, delete "*eight*" and insert "*nine*"

Page 13, line 1, delete "*Unpaid taxes collected under*"

Page 13, delete lines 2 to 5

Page 13, line 9, delete "*eight*" and insert "*nine*"

Page 13, line 11, delete "*Any penalty collected under*"

Page 13, delete lines 12 to 14

Page 13, line 18 delete "*eight*" and insert "*nine*"

Page 14, line 5, delete "8" and insert "9"

Page 14, line 20, delete "8" and insert "9"

Page 15, line 3, delete "8" and insert "9"

Page 15, line 15, delete "8" and insert "9"

Page 16, line 5, delete "8" and insert "9"

Page 16, line 9, delete "8" and insert "9"

Page 17, line 4, delete "8" and insert "9"

Page 17, line 15, delete "8" and insert "9"

Page 18, line 5, delete "8" and insert "9"

Page 18, line 28, delete "8" and insert "9"

Page 18, line 32, delete "8" and insert "9"

Page 19, line 7, after "wages," insert "or"

Page 19, lines 7 and 8 strike "or make payments to or deposits"

Page 23, line 14, delete "8" and insert "9"

Page 24, line 19, delete the new language and restore the stricken

Page 26, line 2, delete "8" and insert "9"

Page 26, line 17, delete "8" and insert "9"

Page 26, line 32, delete "8" and insert "9"

Page 28, delete lines 11 to 13

Page 28, line 14, delete "file a false or fraudulent return" and insert

"Subd. 3. If any person willfully fails to file any return or make any payment required by this chapter, or willfully files a false or fraudulent return, or willfully attempts in any manner to evade or defeat any such tax or payment thereof"

Page 28 delete lines 19 to 23

Page 28 line 24, delete "taxes shall be guilty of a gross misdemeanor." and insert

"Subd. 4. In addition to the penalties hereinbefore described, any person who willfully fails to make a return or willfully makes a false return or willfully fails to pay the taxes due, with intent to evade such taxes, shall be guilty of a gross misdemeanor unless the amount of the tax involved exceeds \$500, in which event he shall be guilty of a felony."

Page 28, line 26, delete "employee" and insert "employer"

Page 29, line 3, delete "8" and insert "9"

Page 29, line 13, delete "8" and insert "9"

Page 29, line 22, delete "8" and insert "9"

Page 29, lines 26 and 27, delete the new language and restore the stricken

Page 30, line 7, delete the new language and restore the stricken

Page 30, line 11, delete the new language

Page 31, line 5, delete "*and the unpaid tax and*" and insert "*on the tax and the*"

Page 31, line 6, delete "8" and insert "9"

Page 32, delete lines 2 to 4

Page 32, line 5, delete "*file a false or fraudulent return*" and insert

"Subd. 3. If any person willfully fails to file any return or make any payment required by this chapter, or willfully files a false or fraudulent return, or willfully attempts in any manner to evade or defeat any such tax or payment thereof"

Page 32, delete lines 10 to 14

Page 32, line 15, delete "*misdemeanor.*" and insert

"Subd. 4. In addition to the penalties hereinbefore described, any person who willfully fails to make a return or willfully makes a false return or willfully fails to pay the taxes due, with intent to evade such taxes, shall be guilty of a gross misdemeanor unless the amount of the tax involved exceeds \$500, in which event he shall be guilty of a felony."

Page 32, line 26, delete "8" and insert "9"

Page 33, line 4, delete "8" and insert "9"

Page 34, line 18, delete "8" and insert "9"

Page 34, line 28, delete the new language and restore the stricken

Page 35, line 4, delete "8" and insert "9"

Page 35, line 24, delete "8" and insert "9"

Page 35, line 32, delete "8" and insert "9"

Page 36, line 25, delete "8" and insert "9"

Page 37, line 3, delete "8" and insert "9"

Page 37, line 26, delete "8" and insert "9"

Page 39, line 14, delete "8" and insert "9"

Page 40, line 5, delete "8" and insert "9"

Page 42, line 5, delete "*and*" and after "7" insert "*, 8 and 17*"

Page 42, line 7, delete "*40 and*" and after "*41*" insert "*and 42*"

Page 42, line 9, delete "*15*" and insert "*16*"

And when so amended, H. F. No. 674 will be identical to S. F. No. 742 and further recommends that H. F. No. 674 be given its second reading and substituted for S. F. No. 742 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.

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

H. F. Nos. 202, 899, 927, 1156, 864 and 1093 for comparison to companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their Second Reading and substituted for their companion Senate Files as follows:

GENERAL ORDERS		CALENDAR OF ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
927	544	202	152		
1156	1046	1093	1274		
864	1081				
899	463				

And that the above Senate Files be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 1434, 747, 840, 1296, 306, 779, 935, 1441, 1442, 1443, 765, 921, 230, 963, 637, 892, 746, 468, 349, 741, 1391, 896, 1321, 413, 675, 1429, 1057, 1462, 1461, 1421, 1460, 1425, 1054 and 829 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 111, 1160, 981, 674, 203, 864, 1156, 927, 899, 202 and 1093 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Milton moved that the name of Mr. Ueland be added as co-author to S. F. No. 1170. The motion prevailed.

Mr. Milton moved that the name of Mr. Pillsbury be added as co-author to S. F. No. 1520. The motion prevailed.

Mr. Milton moved that the name of Mr. Kirchner be added as co-author to S. F. No. 1550. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Purfeerst be added as co-author to S. F. No. 410. The motion prevailed.

Mr. Schaaf moved that the name of Mr. Stumpf be added as co-author to S. F. No. 1559. The motion prevailed.

Mr. Ashbach moved that the name of Mr. Stokowski be added as co-author to Senate Concurrent Resolution No. 6. The motion prevailed.

Mr. North moved that the name of Mr. Stassen be added as co-author to S. F. No. 605. The motion prevailed.

Mr. Moe moved that H. F. No. 274 be withdrawn from the Committee on Natural Resources and Agriculture and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Chenoweth moved that the following be printed in the Journal:

A roll call vote was taken in the Metropolitan and Urban Affairs Committee on the motion to pass the committee bill on land planning in the metropolitan area, S. F. No. 1653, introduced by the Metropolitan and Urban Affairs Committee.

There were yeas 12 and nays 2, as follows:

Those who voted in the affirmative were:

Chenoweth; Doty; Gearty; Humphrey; Keefe, J.; Kirchner; Lewis; Milton; North; Schaaf; Stokowski and Stumpf.

Those who voted in the negative were:

Knutson and Stassen.

The motion prevailed.

Mr. Conzemius moved that the report from the Committee on Health, Welfare and Corrections, reported April 17, 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 17, 1975, the Senate, having advised with, do now consent to and confirm the appointments of:

STATE BOARD OF HEALTH

Dr. George Arvidson, 1789 Alameda, St. Paul, Ramsey County, effective March 7, 1975, for a term expiring January 1, 1978.

Helen Lee, 1445 Salem Church Road, Inver Grove Heights, Dakota County, effective January 1, 1975, for a term expiring January 1, 1979.

Theodore Garcia, 125 Washington Avenue, Crookston, Polk County, effective January 1, 1975, for a term expiring January 1, 1979.

Elizabeth Kalisch, 5371 Hugo Road, White Bear Lake, Ramsey County, effective January 1, 1975, for a term expiring January 1, 1979.

Dr. Valentine O'Malley, Jr., 1960 Summit Avenue, St. Paul, Ramsey County, effective January 6, 1975, for a term expiring January 1, 1979.

John Westerman, 601 Turnpike Road, Golden Valley, Hennepin County, effective January 6, 1975, for a term expiring January 1, 1979.

Dr. Arlen Simi, 121 Imperial Drive, St. Cloud, Stearns County, effective January 6, 1975, for a term expiring January 1, 1979.

The motion prevailed. So the appointments were confirmed.

CALL OF THE SENATE

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

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

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

RECONSIDERATION

Mr. Tennesen moved that the vote whereby the report of the Committee of the Whole on April 17, 1975 recommending that S. F. No. 1029 be re-referred to the Committee on Health, Welfare and Corrections, be now reconsidered.

The question being taken on the adoption of the motion,

Mr. Keefe, J. moved that those not voting be excused from voting. The motion prevailed.

And the roll being called, there were yeas 32 and nays 27, as follows:

Those who voted in the affirmative were:

Arnold	Gearty	Merriam	Perpich, A. J.	Stumpf
Borden	Hansen, Mel	Moe	Purfeerst	Tennesen
Chenoweth	Hughes	North	Schaaf	Wegener
Coleman	Keefe, S.	Ogdahl	Schmitz	Willet
Conzemius	Kleinbaum	Olhoff	Solon	
Davies	Laufenburger	Olson, A. G.	Spear	
Doty	McCutcheon	Olson, H. D.	Stokowski	

Those who voted in the negative were:

Anderson	Brataas	Hanson, R.	Kowalczyk	Perpich, G.
Ashbach	Brown	Humphrey	Larson	Renneke
Bang	Dunn	Josefson	Lewis	Stassen
Berg	Fitzsimons	Keefe, J.	Nelson	
Bernhagen	Frederick	Kirchner	Olson, J. L.	
Blatz	Hansen, Baldy	Knutson	O'Neill	

The motion prevailed. So the vote was reconsidered.

CALL OF THE SENATE

Mr. Tennesen imposed a call of the Senate for the remainder of

the proceedings on S. F. No. 1029. The following Senators answered to their names:

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

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

The question recurred on the motion of Mr. Gearty to adopt the Committee of the Whole report on S. F. No. 1029.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 27 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Hanson, R.	Larson	Renneke
Ashbach	Brown	Humphrey	Lewis	Solon
Bang	Dunn	Josefson	Nelson	Stassen
Berg	Fitzsimons	Kirchner	Olson, J. L.	
Bernhagen	Frederick	Knutson	O'Neill	
Blatz	Hansen, Baldy	Kowalczyk	Perpich, G.	

Those who voted in the negative were:

Arnold	Gearty	Merriam	Perpich, A. J.	Stumpf
Borden	Hansen, Mel	Moe	Purfeerst	Tennessen
Chenoweth	Keefe, J.	North	Schaaf	Wegener
Coleman	Keefe, S.	Ogdahl	Schmitz	Willet
Conzemius	Kleinbaum	Olhoft	Sillers	
Davies	Laufenburger	Olson, A. G.	Spear	
Doty	McCutcheon	Olson, H. D.	Stokowski	

The motion did not prevail. So the report of the Committee on the Whole on S. F. No. 1029 was not adopted.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved that the Senate take up the Senate Calendar. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 624: A bill for an act relating to local water and related land resources management; granting municipalities authority to construct flood prevention or control facilities on certain bodies of water; amending Minnesota Statutes 1974, Section 459.20.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 332: A bill for an act relating to education; correcting and eliminating certain obsolete provisions and text dealing with school district organization, reporting and finance; amending Minnesota Statutes 1974, Sections 120.01; 120.08, Subdivision 1; 120.10, Subdivision 3; 120.11; 120.12; 121.11, Subdivisions 3 and 5; 121.19; 121.20, Subdivision 4; 122.21, Subdivision 1; 122.23; 122.26, Subdivisions 16 and 19; 122.32, Subdivision 1; 122.355, Subdivision 1; 122.41; 122.43; 122.44, Subdivision 1; 122.45, Subdivision 1; 122.51; 123.-015; 123.21; 123.32, Subdivision 25; 123.33, Subdivision 12; 123.34, Subdivision 9; 123.65; 123.78, Subdivision 1; 124.03, Subdivision 1; 124.15, Subdivision 2; 124.41, Subdivision 1; 125.03, Subdivision 1; 125.11; 125.15; 125.16; 127.16; 127.19; 127.25; 136.036, Subdivision 2; 275.124; Chapter 128, by adding a section; repealing Minnesota Statutes 1974, Sections 120.02, Subdivisions 7, 10 and 17; 121.11, Subdivision 10; 121.35, Subdivisions 1, 2, 3 and 4; 121.355; 121.36; 121.37; 121.38; 121.39; 121.40; 121.41; 121.42; 121.43; 121.44; 121.45; 121.46; 121.47; 122.11; 122.22, Subdivisions 17 and 19; 122.31; 122.33; 122.35; 122.44, Subdivisions 2, 3, 4 and 5; 122.49; 123.33, Subdivisions 9 and 13; 123.56; 125.03, Subdivisions 2 and 3; 127.14; 127.18; 471.741; Laws 1945, Chapter 579; Laws 1949, Chapter 375; Laws 1951, Chapter 236; Laws 1953, Chapter 249; Laws 1955, Chapter 698; Laws 1957, Chapter 469; Laws 1959, Chapters 13 and 533; Laws 1961, Chapters 284 and 591; Laws 1963, Chapters 465, 607, 711, and 847; Laws 1965, Chapters 725, 747, and 857; Laws 1967, Chapters 594 and 658; Laws 1971, Chapter 767.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chenoweth	Hansen, Mel	Kowalczyk	Olhoft
Arnold	Coleman	Hanson, R.	Larson	Olson, A. G.
Ashbach	Conzemius	Hughes	Laufenburger	Olson, H. D.
Bang	Davies	Humphrey	Lewis	Olson, J. L.
Berg	Doty	Josefson	McCutcheon	O'Neill
Bernhagen	Dunn	Keefe, J.	Merriam	Perpich, A. J.
Blatz	Fitzsimons	Keefe, S.	Moe	Perpich, G.
Borden	Frederick	Kirchner	Nelson	Purfeerst
Brataas	Gearty	Kleinbaum	North	Renneke
Brown	Hansen, Baldy	Knutson	Ogdahl	Schaaf

Schmitz
SillersSolon
SpearStassen
StokowskiStumpf
TennesseeWegener
Willett

So the bill passed and its title was agreed to.

S. F. No. 114: A bill for an act relating to no-fault automobile insurance; requiring that a plan for reparation security be maintained for certain motor vehicles only during the period of their contemplated operation or use; amending Minnesota Statutes 1974, Section 658.48, Subdivision 1.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Josefson	Nelson	Schaaf
Arnold	Davies	Keefe, J.	North	Schmitz
Ashbach	Doty	Keefe, S.	Ogdahl	Sillers
Bang	Dunn	Kirchner	Olhoft	Solon
Berg	Fitzsimons	Kleinbaum	Olson, A. G.	Spear
Bernhagen	Frederick	Knutson	Olson, H. D.	Stassen
Blatz	Gearty	Kowalczyk	Olson, J. L.	Stokowski
Borden	Hansen, Baldy	Larson	O'Neill	Stumpf
Brataas	Hansen, Mel	Lewis	Perpich, A. J.	Tennessee
Brown	Hanson, R.	McCutcheon	Perpich, G.	Wegener
Chenoweth	Hughes	Merriam	Purfeerst	Willett
Coleman	Humphrey	Moe	Renneke	

Mr. Laufenburger voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 753: A bill for an act relating to state government; regulating advisory councils, boards and commissions; amending Minnesota Statutes 1974, Chapter 15, by adding a section; Sections 16.853; 16.91; 16.911, Subdivision 1; 31.60, Subdivisions 2 and 3; 52.061; 82.30, Subdivision 1; 116C.05; 121.87, Subdivisions 1 and 3; 145.865, Subdivision 1; 156A.06, Subdivision 1; 175.007, Subdivision 1; 182.656, Subdivision 3; 184.23, Subdivisions 1 and 3; 254A.04; 256.482, Subdivision 1; 268.12, Subdivision 6; 299C.47; 299F.55; 362.09, Subdivision 3; and 483.02; repealing Minnesota Statutes 1974, Sections 82.30, Subdivisions 2 and 3; 145.865, Subdivision 2; 175.007, Subdivision 3; 182.656, Subdivision 2; 184.23, Subdivision 2; 254A.05, Subdivision 2; 256.482, Subdivision 6; 483.03; and 483.04.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 54 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Blatz	Conzemius	Hansen, Baldy	Kirchner
Arnold	Borden	Davies	Hanson, R.	Kleinbaum
Ashbach	Brataas	Doty	Hughes	Knutson
Bang	Brown	Dunn	Humphrey	Kowalczyk
Berg	Chenoweth	Fitzsimons	Keefe, J.	Larson
Bernhagen	Coleman	Gearty	Keefe, S.	McCutcheon

Merriam	Olhoft	Perpich, A. J.	Sillers	Stumpf
Moe	Olson, A. G.	Perpich, G.	Solon	Tennessen
Nelson	Olson, H. D.	Purfeerst	Spear	Wegener
North	Olson, J. L.	Schaaf	Stassen	Willet
Ogdahl	O'Neill	Schmitz	Stokowski	

Those who voted in the negative were:

Frederick	Josefson	Laufenburger	Lewis	Renneke
Hansen, Mel				

So the bill passed and its title was agreed to.

S. F. No. 336: A bill for an act relating to the operation of state government; providing for definitions of types of state agencies; naming and renaming certain agencies, boards, commissions, committees, and councils; amending Minnesota Statutes 1974, Sections 15.01; 115.71, Subdivision 4; and 115.74, Subdivision 1.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 395: A bill for an act relating to taxation; exempting United States flags from the sales and use tax; amending Minnesota Statutes 1974, Section 297A.25, Subdivision 1.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 56 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Brown	Frederick	Keefe, J.	Merriam
Arnold	Chenoweth	Gearty	Kleinbaum	Moe
Ashbach	Coleman	Hansen, Baldy	Knutson	Nelson
Bang	Conzemius	Hansen, Mel	Kowalczyk	North
Berg	Davies	Hanson, R.	Larson	Ogdahl
Bernhagen	Doty	Hughes	Laufenburger	Olhoft
Blatz	Dunn	Humphrey	Lewis	Olson, A. G.
Brataas	Fitzsimons	Josefson	McCutcheon	Olson, H. D.

Olson, J. L.	Perpich, G.	Schmitz	Stassen	Tennessen
O'Neill	Purfeerst	Sillers	Stokowski	Wegener
Patton	Renneke	Solon	Stumpf	Willet
Perpich, A. J.				

Those who voted in the negative were:

Borden	Keefe, S.	Kirchner	Schaaf	Spear
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So the bill passed and its title was agreed to.

S. F. No. 266: A bill for an act relating to the livestock contingency fund; repealing Minnesota Statutes 1974, Section 246.32.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 590: A bill for an act relating to unemployment compensation; requiring reports to the department of employment services be in the same name as appears on the employer's payroll checks; amending Minnesota Statutes 1974, Section 268.16, Subdivision 2.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 617: A bill for an act relating to insurance; authorizing exclusion of certain persons from motor vehicle insurance coverage; prohibiting insurers from refusing to supply requested coverage excluding certain persons; amending Minnesota Statutes 1974, Chapter 65B, by adding a section.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 19 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Brown	Hansen, Baldy	Larson	Perpich, A. J.
Arnold	Coleman	Hanson, R.	Merriam	Solon
Bang	Fitzsimons	Josefson	Olson, H. D.	Spear
Bernhagen	Frederick	Kleinbaum	Olson, J. L.	

Those who voted in the negative were:

Berg	Dunn	Knutson	Olhoft	Schmitz
Blatz	Gearty	Kowalczyk	Olson, A. G.	Sillers
Borden	Hansen, Mel	Lewis	O'Neill	Stassen
Brataas	Hughes	McCutcheon	Patton	Stokowski
Chenoweth	Humphrey	Moe	Perpich, G.	Stumpf
Conzemius	Keefe, J.	Nelson	Purfeerst	Tennessee
Davies	Keefe, S.	North	Renneke	Wegener
Doty	Kirchner	Ogdahl	Schaaf	Willet

So the bill failed to pass.

S. F. No. 460: A bill for an act relating to pollution; prohibiting sale of beverage containers having detachable parts; providing a penalty.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 102: A bill for an act relating to aeronautics; technical services to municipalities; authorizing a reasonable charge by the department for such services; amending Minnesota Statutes 1974, Section 360.015, Subdivision 7.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 690: A bill for an act relating to insurance; requiring certain group insurance policies and plans to provide certain benefits for outpatient mental health treatment.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1174: A bill for an act relating to health care; requiring that self insurers offering certain health care plans provide certain benefits for the treatment of alcoholism, chemical dependency and drug addiction; amending Minnesota Statutes 1974, Section 62A.149, by adding a subdivision.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 699: A bill for an act relating to drainage; clarifying the power of county boards to construct flood control projects under the drainage laws; transferring the administration of judicial ditches to county boards; improving the power of county boards to repair, assess benefits and damages and construct laterals on county ditches; providing for appeal of decisions by a joint county ditch authority; providing a better procedure for abandonment of ditches in urban areas; providing for the termination of activities of conservancy districts; amending Minnesota Statutes 1974, Sections 106.011, Subdivisions 1, 4, 16 and 17; 106.015, Subdivision 5; 106.021, Subdivision 1; 106.031, Subdivision 1; 106.041; 106.091, Subdivision 1; 106.101, Subdivision 1; 106.121, Subdivision 8; 106.131; 106.141, Subdivision 2; 106.161; 106.171, Subdivisions 1 and 2; 106.191, Subdivision 3; 106.211; 106.221, Subdivision 1; 106.231, Subdivision 1; 106.251; 106.281; 106.291; 106.301; 106.321; 106.331; 106.401; 106.431, Subdivision 2; 106.471, Subdivisions 1, 2, 3, 4 and 7; 106.501, Subdivisions 1 and 2; 106.511; 106.521; 106.531; 106.551; 106.561, Subdivisions 1 and 2; 106.601; 106.631, Subdivision 5; 106.651; 106.661; and 112.76; repealing Minnesota Statutes 1974, Sections 106.011, Subdivisions 5, 6, 7, 8 and 9; 106.015, Subdivisions 3 and 4; 106.021, Subdivision 5; 106.231, Subdivision 7; 111.01 to 111.42.

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 55 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, J.	Moe	Perpich, G.
Arnold	Dunn	Keefe, S.	Nelson	Purfeerst
Ashbach	Fitzsimons	Kirchner	North	Renneke
Bang	Frederick	Kleinbaum	Ogdahl	Schmitz
Berg	Gearty	Knutson	Olhoft	Sillers
Bernhagen	Hansen, Baldy	Kowalczyk	Olson, A. G.	Stassen
Blatz	Hansen, Mel	Larson	Olson, H. D.	Stokowski
Brown	Hanson, R.	Laufenburger	Olson, J. L.	Stumpf
Chenoweth	Hughes	Lewis	O'Neill	Tennessee
Coleman	Humphrey	McCutcheon	Patton	Wegener
Davies	Josefson	Merriam	Perpich, A. J.	Willet

Mr. Borden voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 66: A bill for an act relating to game and fish; authorizing certain handicapped hunters to transport uncased but unloaded firearms; amending Minnesota Statutes 1974, Section 98.48, Subdivision 12.

With the unanimous consent of the Senate, Mr. Perpich, G. moved to amend S. F. No. 66 as follows:

Page 1, line 18, after the period, insert "*A disability once established as permanent shall qualify an applicant for a permanent permit pursuant to this subdivision.*"

Amend the title as follows:

Line 4, after the semicolon, insert "providing permanent permits for handicapped hunters;"

The motion prevailed. So the amendment was adopted.

S. F. No. 66: A bill for an act relating to game and fish; authorizing certain handicapped hunters to transport uncased but unloaded firearms; providing permanent permits for handicapped hunters; amending Minnesota Statutes 1974, Section 98.48, Subdivision 12.

Was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. McCutcheon voted in the negative.

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

S. F. No. 869: A bill for an act relating to St. Louis county; providing for the disposition of the proceeds from the sale or rental of tax forfeited lands or from the sale of any products therefrom.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 320: A bill for an act relating to taxation; increasing the percentage of unrefunded gasoline excise taxes attributable to snowmobile operation; appropriating money; amending Minnesota Statutes 1974, Sections 296.16, Subdivision 1; and 296.421, Subdivisions 6 and 7.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 47 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Olhoft	Solon
Arnold	Fitzsimons	Kleinbaum	Olson, H. D.	Stassen
Ashbach	Frederick	Knutson	Olson, J. L.	Stokowski
Bang	Gearty	Kowalczyk	O'Neill	Stumpf
Bernhagen	Hansen, Baldy	Larson	Patton	Tennessen
Blatz	Hanson, R.	Merriam	Perpich, A. J.	Wegener
Borden	Humphrey	Moe	Perpich, G.	Willet
Brataas	Josefson	Nelson	Renneke	
Brown	Keefe, J.	North	Schmitz	
Doty	Keefe, S.	Ogdahl	Sillers	

Those who voted in the negative were:

Chenoweth	Davies	Laufenburger	McCutcheon	Purfeerst
Conzemius	Hansen, Mel	Lewis	Olson, A. G.	Spear

So the bill passed and its title was agreed to.

S. F. No. 582: A bill for an act relating to towns; authorizing towns to acquire land for park and recreation purposes; amending Minnesota Statutes 1974, Section 368.01, Subdivision 24.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1039: A bill for an act relating to plats and surveys in Olmsted county; providing for approval by the county surveyor and providing for a fee.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1038: A bill for an act relating to certain counties; providing for the filing of surveys with the county surveyor.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chenoweth	Hansen, Mel	Kowalczyk	Olson, H. D.
Arnold	Coleman	Hanson, R.	Larson	Olson, J. L.
Ashbach	Conzemius	Hughes	Laufenburger	O'Neill
Bang	Davies	Humphrey	Lewis	Patton
Berg	Doty	Josefson	Merriam	Perpich, A. J.
Bernhagen	Dunn	Keefe, J.	Nelson	Perpich, G.
Blatz	Fitzsimons	Keefe, S.	North	Purfeerst
Borden	Frederick	Kirchner	Ogdahl	Renneke
Brataas	Gearty	Kleinbaum	Olhoft	Schaaf
Brown	Hansen, Baldy	Knutson	Olson, A. G.	Schmitz

Sillers Solon	Spear Stassen	Stokowski Stumpf	Tennessen Wegener	Willet
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So the bill passed and its title was agreed to.

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.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 50 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, J.	North	Schmitz
Arnold	Dunn	Keefe, S.	Olhoft	Sillers
Berg	Fitzsimons	Kirchner	Olson, A. G.	Solon
Bernhagen	Frederick	Kleinbaum	Olson, H. D.	Spear
Borden	Gearty	Knutson	Olson, J. L.	Stassen
Brown	Hansen, Baldy	Larson	O'Neill	Stokowski
Chenoweth	Hansen, Mel	Laufenburger	Patton	Stumpf
Coleman	Hughes	Lewis	Purfeerst	Tennessen
Conzemius	Humphrey	Merriam	Renneke	Wegener
Davies	Josefson	Milton	Schaaf	Willet

Those who voted in the negative were:

Bang	Brataas	Nelson	Perpich, A. J.	Perpich, G.
Blatz	Kowalczyk	Ogdahl		

So the bill passed and its title was agreed to.

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.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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 18 and nays 42, as follows:

Those who voted in the affirmative were:

Borden	Kirchner	Ogdahl	Schmitz	Wegener
Hansen, Mel	Kleinbaum	Olhoft	Sillers	Willet
Hanson, R.	Larson	Perpich, G.	Solon	
Keefe, J.	Laufenburger	Purfeerst	Stokowski	

Those who voted in the negative were:

Anderson	Chenoweth	Hansen, Baldy	Milton	Renneke
Arnold	Coleman	Hughes	Nelson	Schaaf
Ashbach	Conzemius	Humphrey	North	Spear
Bang	Davies	Josefson	Olson, A. G.	Stassen
Berg	Doty	Keefe, S.	Olson, H. D.	Stumpf
Bernhagen	Dunn	Knutson	Olson, J. L.	Tennessen
Blatz	Fitzsimons	Kowalczyk	O'Neill	
Brataas	Frederick	Lewis	Patton	
Brown	Gearty	Merriam	Perpich, A. J.	

So the bill failed to pass.

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.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 43 and nays 17, as follows:

Those who voted in the affirmative were:

Arnold	Coleman	Humphrey	North	Schmitz
Ashbach	Davies	Keefe, J.	Olhoff	Solon
Bang	Dunn	Kirchner	Olson, H. D.	Spear
Berg	Fitzsimons	Kleinbaum	Olson, J. L.	Stokowski
Bernhagen	Frederick	Larson	O'Neill	Stumpf
Blatz	Gearty	Lewis	Patton	Wegener
Borden	Hansen, Baldy	Merriam	Purfeerst	Willet
Brataas	Hansen, Mel	Milton	Renneke	
Brown	Hanson, R.	Nelson	Schaaf	

Those who voted in the negative were:

Anderson	Hughes	Kowalczyk	Perpich, A. J.	Tennessen
Chenoweth	Josefson	Laufenburger	Perpich, G.	
Conzemius	Keefe, S.	Ogdahl	Sillers	
Doty	Knutson	Olson, A. G.	Stassen	

So the bill passed and its title was agreed to.

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.

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

Mr. Milton voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 908: A bill for an act relating to counties; providing for the filling of vacancies in the office of county commissioner; amending Minnesota Statutes 1974, Chapter 375, by adding a section; Section 375.03; repealing Minnesota Statutes 1974, Section 375.10.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 543: A bill for an act relating to public local grain warehouses; providing for the filing and posting of 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.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 917: A bill for an act relating to waters and watercraft safety; modifying the hours of operation of a watercraft towing a person; authorizing counties to expend moneys received from watercraft license fees for watercraft and swimming safety instructions; amending Minnesota Statutes 1974, Sections 361.09, Subdivision 2; and 361.27, Subdivision 1.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 56 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Renneke voted in the negative.

So the bill passed and its title was agreed to.

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.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 37 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Patton	Stassen
Arnold	Gearty	Kleinbaum	Perpich, A. J.	Stokowski
Borden	Hansen, Mel	Larson	Perpich, G.	Stumpf
Chenoweth	Hanson, R.	Lewis	Purfeerst	Tennessen
Coleman	Hughes	Milton	Schaaf	Wegener
Conzemius	Humphrey	Olhoft	Schmitz	
Davies	Keefe, J.	Olson, H. D.	Solon	
Doty	Keefe, S.	O'Neill	Spear	

Those who voted in the negative were:

Ashbach	Brataas	Josefson	Ogdahl	Willet
Bang	Brown	Knutson	Olson, A. G.	
Berg	Fitzsimons	Kowalczyk	Olson, J. L.	
Bernhagen	Frederick	Laufenburger	Renneke	
Blatz	Hansen, Baldy	North	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 649: A bill for an act relating to agriculture; collective bargaining; agricultural marketing and bargaining associations; amending Minnesota Statutes 1974, Sections 17.694, Subdivision 5, and by adding a subdivision; and 17.697, Subdivision 1.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Bang	Blatz	Brown	Davies
Arnold	Berg	Borden	Coleman	Doty
Ashbach	Bernhagen	Brataas	Conzemius	Dunn

Fitzsimons	Keefe, J.	Merriam	Patton	Spear
Frederick	Keefe, S.	Nelson	Perpich, A. J.	Stassen
Gearty	Kirchner	North	Perpich, G.	Stokowski
Hansen, Baldy	Kleinbaum	Ogdahl	Purfeerst	Stumpf
Hansen, Mel	Knutson	Olhoft	Renneke	Tennessen
Hanson, R.	Kowalczyk	Olson, A. G.	Schaaf	Wegener
Hughes	Larson	Olson, H. D.	Schmitz	Willet
Humphrey	Laufenburger	Olson, J. L.	Sillers	
Josefson	Lewis	O'Neill	Solon	

So the bill passed and its title was agreed to.

S. F. No. 393: A bill for an act relating to the metropolitan airports commission; exercise of powers; tax levy; amending Laws 1975, Chapter 13, Section 103, Subdivision 5.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 820: A bill for an act relating to education; powers of trustees of incorporated colleges; 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; amending Minnesota Statutes 1974, Chapter 136A, by adding a section; repealing Minnesota Statutes 1974, Section 121.18.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Fitzsimons	Josefson	Laufenburger
Arnold	Brown	Frederick	Keefe, J.	Lewis
Ashbach	Chenoweth	Gearty	Keefe, S.	Merriam
Bang	Coleman	Hansen, Baldy	Kirchner	Milton
Berg	Conzemius	Hansen, Mel	Kleinbaum	Nelson
Bernhagen	Davies	Hanson, R.	Knutson	North
Blatz	Doty	Hughes	Kowalczyk	Ogdahl
Borden	Dunn	Humphrey	Larson	Olhoft

Olson, A. G.	Patton	Renneke	Solon	Stumpf
Olson, H. D.	Perpich, A. J.	Schaaf	Spear	Tennessen
Olson, J. L.	Perpich, G.	Schmitz	Stassen	Wegener
O'Neill	Purfeerst	Sillers	Stokowski	Willet

So the bill passed and its title was agreed to.

S. F. No. 177: A bill for an act relating to public health; changing requirements and procedures for obtaining certificates of need for health care facilities; amending Minnesota Statutes 1974, Sections 145.72, Subdivisions 2 and 3; 145.76; 145.78; 145.80; 145.82; Chapter 145, by adding sections; and repealing Minnesota Statutes 1974, Section 145.81.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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; reducing the value of timber which may be sold at auction; altering certain sale procedures; amending Minnesota Statutes 1974, Chapter 90, by adding a section; Sections 90.02; 90.101; 90.151, Subdivisions 1 and 13; and 90.191, Subdivision 1.

With the unanimous consent of the Senate, Mr. Willet moved to amend S. F. No. 451 as follows:

Page 5, after line 16, insert:

"Sec. 7. Minnesota Statutes 1974, Section 9.051, is repealed."

Page 5, line 17, strike "7" and insert "8"

Amend the title as follows:

Line 8, after "90.191, Subdivision 1" insert "; repealing Minnesota Statutes 1974, Section 9.051"

The motion prevailed. So the amendment was adopted.

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; reducing the value of timber which may be sold at auction; altering certain sale procedures; amending Minnesota Statutes 1974, Chapter 90, by adding a section; Sections 90.02; 90.101; 90.151, Subdivisions 1 and 13; and 90.191, Subdivision 1; repealing Minnesota Statutes 1974, Section 9.051.

Was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 56 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kleinbaum	Olson, A. G.	Solon
Arnold	Dunn	Knutson	Olson, H. D.	Spear
Bang	Fitzsimons	Kowalczyk	Olson, J. L.	Stassen
Berg	Frederick	Larson	O'Neill	Stokowski
Bernhagen	Gearty	Laufenburger	Patton	Stumpf
Blatz	Hansen, Mel	Lewis	Perpich, A. J.	Tennessee
Borden	Hanson, R.	Merriam	Perpich, G.	Wegener
Brown	Hughes	Milton	Purfeerst	Willet
Chenoweth	Humphrey	Nelson	Renneke	
Coleman	Josefson	North	Schaaf	
Conzemius	Keefe, J.	Ogdahl	Schmitz	
Davies	Keefe, S.	Olhoft	Sillers	

Mr. Hansen, Baldy, voted in the negative.

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

THIRD READING OF HOUSE BILLS

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.

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	Davies	Keefe, S.	Ogdahl	Schmitz
Arnold	Doty	Kirchner	Olhoft	Sillers
Bang	Dunn	Kleinbaum	Olson, A. G.	Solon
Berg	Fitzsimons	Knutson	Olson, H. D.	Spear
Bernhagen	Frederick	Kowalczyk	Olson, J. L.	Stassen
Blatz	Gearty	Larson	O'Neill	Stokowski
Borden	Hansen, Mel	Laufenburger	Patton	Stumpf
Brataas	Hanson, R.	Lewis	Perpich, A. J.	Tennessee
Brown	Hughes	Merriam	Perpich, G.	Wegener
Chenoweth	Humphrey	Milton	Purfeerst	Willet
Coleman	Josefson	Nelson	Renneke	
Conzemius	Keefe, J.	North	Schaaf	

Mr. Hansen, Baldy voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 138: A bill for an act relating to motor vehicles; establishing the classification of collector's vehicles and providing for the registration and taxation of such vehicles; amending Minnesota Statutes 1974, Section 168.10, Subdivision 1, and by adding subdivisions.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Coleman voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 688: A bill for an act relating to school districts; insurance for school district funds; amending Minnesota Statutes 1974, Section 124.05, Subdivision 2.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 43 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Hughes	Milton	Renneke
Arnold	Davies	Keefe, J.	Nelson	Schaaf
Ashbach	Doty	Keefe, S.	North	Schmitz
Bang	Dunn	Kirchner	Olhoft	Spear
Bernhagen	Fitzsimons	Kleinbaum	O'Neill	Stokowski
Blatz	Frederick	Kowalczyk	Patton	Stumpf
Brown	Gearty	Larson	Perpich, A. J.	Tennessen
Chenoweth	Hansen, Mel	Lewis	Perpich, G.	
Coleman	Hanson, R.	Merriam	Purfeerst	

Those who voted in the negative were:

Berg	Humphrey	Laufenburger	Olson, J. L.	Stassen
Borden	Josefson	Ogdahl	Sillers	Wegener
Brataas	Knutson	Olson, A. G.	Solon	Willet
Hansen, Baldy				

So the bill passed and its title was agreed to.

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.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

Mr. Hansen, Baldy 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 2:00 o'clock p.m. The motion prevailed.

The hour of 2:00 o'clock p.m. having arrived, the President called the Senate to order.

MEMBERS EXCUSED

Mr. Chmielewski was excused from the Session of today. Mr. Hansen, Baldy was excused from this afternoon's Session.

CALL OF THE SENATE

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

Anderson	Coleman	Josefson	Olson, A. G.	Spear
Arnold	Conzemius	Keefe, S.	Olson, H. D.	Stokowski
Ashbach	Davies	Kirchner	Olson, J. L.	Stumpf
Berg	Doty	Kleinbaum	O'Neill	Tennessen
Bernhagen	Dunn	Laufenburger	Perpich, A. J.	Wegener
Blatz	Fitzsimons	Lewis	Perpich, G.	Willet
Borden	Gearty	McCutcheon	Purfeerst	
Brown	Hughes	Ogdahl	Renneke	
Chenoweth	Humphrey	Olhoft	Schmitz	

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

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved that the Senate take up the Calendar of Ordinary Matters. The motion prevailed.

CALENDAR OF ORDINARY MATTERS

S. F. No. 987: A bill for an act relating to Hennepin county; re-establishing the jurisdiction of the Hennepin county personnel board as to court reporters in the fourth judicial district; repealing Laws 1969; Chapter 568; and Laws 1971, Chapter 608.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Josefson	Ogdahl	Renneke
Arnold	Davies	Kirchner	Olhoft	Schmitz
Ashbach	Doty	Kleinbaum	Olson, A. G.	Solon
Berg	Dunn	Knutson	Olson, H. D.	Spear
Bernhagen	Fitzsimons	Lewis	Olson, J. L.	Stokowski
Blatz	Gearty	McCutcheon	O'Neill	Stumpf
Brown	Hansen, Mel	Merriam	Perpich, A. J.	Tennessen
Chenoweth	Hughes	Milton	Perpich, G.	Wegener
Coleman	Humphrey	North	Purfeerst	Willet

So the bill passed and its title was agreed to.

S. F. No. 953: A bill for an act relating to Hennepin county; including the librarian and other employees of the county law library within the merit personnel system of the county; amending Laws 1933, Chapter 291, Section 15; and Laws 1965, Chapter 855, Section 7, Subdivision 1, as amended.

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

The question being taken on the passage of the bill,

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

Those who voted in the affirmative were:

Anderson	Davies	Kirchner	Olson, A. G.	Spear
Arnold	Doty	Kleinbaum	Olson, H. D.	Stokowski
Ashbach	Dunn	Knutson	Olson, J. L.	Stumpf
Berg	Fitzsimons	Lewis	O'Neill	Tennessen
Bernhagen	Gearty	McCutcheon	Perpich, A. J.	Wegener
Blatz	Hansen, Mel	Merriam	Perpich, G.	Willet
Brown	Hughes	Milton	Purfeerst	
Chenoweth	Humphrey	North	Renneke	
Coleman	Josefson	Ogdahl	Schmitz	
Conzemius	Keefe, S.	Olhoft	Solon	

So the bill passed and its title was agreed to.

S. F. No. 977: A bill for an act relating to Hennepin county; providing for the support and maintenance of the county law library; amending Laws 1933, Chapter 291, Section 12, as amended; and Laws 1933, Chapter 291, Section 16, as amended.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, S.	Olhoft	Solon
Arnold	Davies	Kirchner	Olson, A. G.	Spear
Ashbach	Doty	Kleinbaum	Olson, H. D.	Stokowski
Berg	Dunn	Knutson	Olson, J. L.	Stumpf
Bernhagen	Fitzsimons	Lewis	O'Neill	Tennessen
Blatz	Gearty	McCutcheon	Perpich, A. J.	Wegener
Borden	Hansen, Mel	Merriam	Perpich, G.	Willet
Brown	Hughes	Milton	Purfeerst	
Chenoweth	Humphrey	North	Renneke	
Coleman	Josefson	Ogdahl	Schmitz	

So the bill passed and its title was agreed to.

S. F. No. 1210: A bill for an act relating to the city of Ely; authorizing the governing body thereof to consolidate the offices of city clerk and city treasurer.

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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kleinbaum	Olhoft	Solon
Arnold	Doty	Knutson	Olson, A. G.	Spear
Ashbach	Dunn	Kowalczyk	Olson, H. D.	Stokowski
Berg	Fitzsimons	Laufenburger	Olson, J. L.	Stumpf
Bernhagen	Gearty	Lewis	O'Neill	Tennessen
Blatz	Hansen, Mel	McCutcheon	Patton	Wegener
Borden	Hughes	Merriam	Perpich, A. J.	Willet
Brown	Humphrey	Milton	Perpich, G.	
Chenoweth	Josefson	Nelson	Purfeerst	
Coleman	Keefe, S.	North	Renneke	
Conzemius	Kirchner	Ogdahl	Schmitz	

So the bill passed and its title was agreed to.

S. F. No. 1136: A bill for an act relating to Winona county; authorizing the appropriation of funds for public health nursing; providing for increased per diem payments for public health nursing service committee members.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 845: A bill for an act relating to Itasca County; increasing the permissible per capita expenditure on tourist, agricultural and industrial promotion; amending Laws 1965, Chapter 326, Section 1, Subdivision 5.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Keefe, S.	Nelson	Purfeerst
Arnold	Conzemius	Kirchner	North	Renneke
Ashbach	Davies	Kleinbaum	Ogdahl	Schmitz
Bang	Doty	Knutson	Olhoft	Solon
Berg	Dunn	Kowalczyk	Olson, A. G.	Spear
Bernhagen	Fitzsimons	Larson	Olson, H. D.	Stassen
Blatz	Frederick	Laufenburger	Olson, J. L.	Stumpf
Borden	Gearty	Lewis	O'Neill	Tennessen
Brataas	Hughes	McCutcheon	Patton	Wegener
Brown	Humphrey	Merriam	Perpich, A. J.	Willet
Chenoweth	Keefe, J.	Milton	Perpich, G.	

So the bill passed and its title was agreed to.

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; providing for the withdrawal of the interest of Marshall County therein; repealing Laws 1965, Chapter 406.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Pursuant to Rule No. 9, there being three objectors, S. F. No. 1238 was stricken from the Calendar of Ordinary Matters and placed on General Orders.

S. F. No. 491: A resolution congratulating Seth G. Huntington on his success in the United States coin design competition and on his other artistic achievements.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 648: A bill for an act relating to public health; license fees for hospitals and related institutions; exempting the Minnesota veterans home from such fees; amending Minnesota Statutes 1974, Section 144.53.

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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved that the Senate revert to the Order of Business of Reports of Committees and Second Reading of Senate Bills. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Coleman from the Committee on Rules and Administration, to which was re-referred

S. F. No. 625: A bill for an act relating to crimes; regulating the transfer, possession, and use of 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 placed on the General Orders Calendar.

Mr. Coleman moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

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

House Concurrent Resolution No. 7. A House concurrent resolution commending Robert G. Heyer on his selection as National Teacher of the Year.

Reports the same back with the recommendation that the resolution be adopted.

Mr. Coleman moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

Mr. Coleman moved that the House Concurrent Resolution No. 7 be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. No. 625 was read the second time.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Ashbach moved that House Concurrent Resolution No. 7 be taken from the table. The motion prevailed.

House Concurrent Resolution No. 7: A House concurrent resolution commending Robert G. Heyer on his selection as National Teacher of the Year.

WHEREAS, the State of Minnesota has long recognized the importance of education in the lives of the people of the state;

WHEREAS, Minnesota has been a national leader in formulating new, innovative and effective educational programs;

WHEREAS, teachers in the state have made a significant contribution to the overall success of Minnesota education;

WHEREAS, excellence in teaching is to be encouraged and rewarded;

WHEREAS, President Gerald Ford has announced that Robert G. Heyer, a science teacher in the Mounds View school district, is the 1975 National Teacher of the Year;

WHEREAS, the success and spirit of Robert G. Heyer can serve as a model and goal for other teachers; now, therefore,

BE IT RESOLVED, by the House of Representatives of the State of Minnesota, the Senate concurring therein, that Robert G. Heyer be commended and congratulated for his selection as National Teacher of the Year.

BE IT FURTHER RESOLVED, that the Chief Clerk of the House of Representatives transmit a formal copy of this resolution to Robert G. Heyer.

Mr. Ashbach moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved that the Senate resolve itself into a Committee of the Whole and take up Senate Files. The motion prevailed.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Laufenburger in the chair.

After some time spent therein, the committee arose, and the President having resumed the chair, Mr. Davies reported that the committee had considered the following:

S. F. Nos. 1142 and 1101 which the committee recommends to pass.

S. F. No. 488, which the committee recommends to pass with the following amendment offered by Mr. Frederick:

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

"Section 1. Minnesota Statutes 1974, Section 59A.08, Subdivision 3, is amended to read:

Subd. 3. The information required by subdivision 1 shall only be

required in the initial *insurance premium finance* agreement where the premium finance agreement which has been entered into provides for open end terms defined as follows: An agreement which provides that additional premiums required on originally financed policies may be added from time to time on which a finance charge may be added for the remaining term of the original finance agreement. The \$10 flat service fee may not be collected on these additional premiums financed entered into if said agreement is open end. An insurance premium finance agreement is open end if it provides that additional or subsequent insurance premiums may be financed and added to the initial insurance premium finance agreement from time to time.

Additional or subsequent premiums may be added to an open end insurance premium finance agreement from time to time, provided that:

(a) The additional or subsequent insurance premium to be added results from additional premiums required under policies presently being financed under the open end insurance premium finance agreement or from a renewal of a policy or from other policies owned or purchased by the insured.

(b) The insurance premium finance company receives written notice or advice from an insurer authorized to do business in this state or from an insurance agent licensed in this state acknowledging that the premium on an existing financed policy has been increased or that a policy has been renewed or that additional policies have or will be issued to the insured. The notice or advice shall contain the amount of the additional premium, the down payment collected by the insurer or agent, if any, and the amount of premium to be added to the open end insurance premium finance agreement.

(c) If the additional premiums to be added to the open end insurance premium finance agreement result from additional premiums required on policies presently financed under the agreement which are to be financed beyond the scheduled maturity of the original financing, the renewal of a policy or from an additional policy owned or purchased by the insured, the insurance premium finance company shall mail a notice to the insured at the address shown in the policy. Said notice shall contain:

(1) The information required by subdivision 1, notwithstanding that the notice is not signed by, nor on behalf of the insured;

(2) A conspicuous statement to the insured stating that he may tender the premiums in full or disaffirm the financing of the premium on the renewal or additional policies by mailing to the insurance premium finance company notice of his intention to do so within ten days after the insurance premium finance company mails to the insured the notice required by this subdivision;

(3) A conspicuous statement to the insured that the insurance premium finance company may, in event of default in payment of the additional premium, or any installment thereof, cause the insured's insurance contract or contracts to be cancelled as provided in section 59A.11.

(d) *At the time the notice of additional premium to be added to the open end insurance premium finance agreement is mailed to the insured as provided in clause (c), an employee of the insurance premium finance company shall prepare and sign a certificate or affidavit of mailing setting forth the following:*

(1) *The name of the employee who mailed the notice of the additional premium to be financed.*

(2) *That the employee mailing the notice is over 18 years of age.*

(3) *The date and place of the deposit of the notice in the mail.*

(4) *The name and address of the person to whom the notice was mailed as shown on the envelope containing the notice.*

(5) *That the envelope containing the notice was sealed and deposited in the mail with the proper postage thereon.*

A certificate or affidavit of mailing, prepared and signed as prescribed in this subdivision shall raise rebuttable presumption that the notice was mailed to the insured at the address shown in the certificate or affidavit of mailing.

(e) *The insurance premium finance company may make a finance charge in accordance with section 59A.09 for additional premiums financed and added to an open end insurance premium finance agreement; however, only one flat rate service fee may be made or charged for each insurance premium finance agreement entered into and no additional flat service fee may be made or charged for adding additional or subsequent premiums to an open end insurance premium finance agreement for which a flat service fee was previously made or charged."*

Further, amend the title as follows:

Line 4, after "agreement;" insert "allowing additional premiums to be added to an open end insurance premium finance agreement, and prescribing the conditions therefor; prohibiting flat service fees for adding additional premiums;"

Line 4, after "for" insert "additional"

Line 5, delete "a" and insert "an open end insurance"

S. F. No. 635, which the committee recommends to pass.

The question being taken on the committee recommendation to pass S. F. No. 635,

And the roll being called, there were yeas 27 and nays 22, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Knutson	North	Solon
Berg	Gearty	Kowalczyk	Ogdahl	Spear
Bernhagen	Hansen, Mel	Larson	O'Neill	Stassen
Blatz	Josefson	Lewis	Pillsbury	
Brown	Keefe, J.	Milton	Schmitz	
Dunn	Kirchner	Nelson	Sillers	

Those who voted in the negative were:

Anderson	Conzemius	Kleinbaum	Purfeerst	Wegener
Arnold	Davies	Merriam	Renneke	Willet
Borden	Hughes	Patton	Schaaf	
Chenoweth	Humphrey	Perpich, A. J.	Stumpf	
Coleman	Keefe, S.	Perpich, G.	Tennessen	

The motion prevailed. So the committee recommended S. F. No. 635 to pass.

S. F. No. 605, which the committee recommends to pass with the following amendment offered by Mr. North:

Page 3, line 27, strike "Minnesota"

Page 3, line 28, strike "state"

Page 8, line 6, strike "state"

Page 8, line 16, strike "Minnesota State"

Page 9, line 12, strike "state"

Page 10, line 24, strike "Minnesota"

Page 15, line 16, strike "state"

Page 15, line 29, strike "state"

Page 26, line 4, strike "*such*"

Page 26, line 18, strike "state"

Page 29, line 2, reinsert the stricken "of"

Page 29, line 3, before the period insert "*a podiatrist registered in this state*"

Page 36, line 5, strike "state"

Page 37, line 23, strike "state"

Page 37, line 31, before "the" insert "*the board of examiners of psychologists established pursuant to section 148.90,*"

Page 37, line 31, strike "state"

Page 38, line 1, strike "state"

Page 38, line 3, reinsert the stricken "and"

Page 38, lines 5 and 6, strike the new language

Page 38, line 11, after the stricken comma insert "*the teacher standards and certification commission established pursuant to section 125.183,*"

Page 38, line 14, after "155.04," insert "*the board of assessors established pursuant to section 270.41,*"

Page 38, line 18, after "326.241," insert "*the private detective and protective agent licensing board established pursuant to section 326.33,*"

Page 38, line 21, reinsert the stricken "and"

Page 38, lines 22 to 26, strike the new language

Page 40, line 8, strike "department" and insert "commissioner"

Page 40, line 10, strike "department" and insert "commissioner"

Page 41, line 32, strike "department" and insert "commissioner"

Page 43, line 2, strike "governor" and insert "appointing authority"

Page 43, line 5, strike "governor" and insert "appointing authority"

Page 43, line 13, after "are" insert "full-time"

Page 43, line 16, after "compensation" insert "or benefits"

Page 43, line 20, strike "such" and insert "the"

Page 43, line 27, strike "governor" and insert "appointing authority"

Page 43, line 32, strike "governor" and insert "appointing authority"

Page 53, strike section 64

Page 55, line 2, strike "Minnesota"

Page 61, line 25, after "until" insert "*the end of their terms if the terms are scheduled to end in the month of January; otherwise, they shall serve until*"

Page 61, line 27, after the period insert "*Initial successors to the current members shall be appointed to terms of a length determined by the appointing authority to be consistent with the schedule of staggered terms as provided in section 51.*"

Page 61, line 27, strike "successors to"

Page 61, line 28, strike "these"

Page 61, line 29, strike "this act" and insert "section 1"

Page 61, line 32, strike "15.013" and insert "15.0585"

Page 62, line 5, strike "having" and insert "*whose primary functions include*"

Page 62, line 5, strike "and" and insert "or"

Page 62, line 6, strike "functions" and insert "*of persons in specified professions or occupations*"

Renumber the sections accordingly

Page 62, after line 13, insert:

"Sec. 78. *This act is effective July 1, 1975.*"

Amend the title:

Page 1, line 6, strike "appropriating money;"

S. F. No. 1383 which the committee reports progress, subject to the following motion:

Mr. Chenoweth moved to amend S. F. No. 1383 as follows:

Page 2, line 3, strike "16" and insert "15"

Page 2, strike section 5

Page 6, line 1, strike "9" and insert "8"

Page 11, line 21, strike "16" and insert "15"

Page 11, line 26, strike "16" and insert "15"

Page 21, after line 10, insert a section to read:

"Sec. 18. Laws 1975, Chapter 13, is amended by adding a section to read:

Sec. 144A. [473.825] [LEVY.] For the purposes of section 8 of this act, the metropolitan council may levy for the waste control commission upon all taxable property in the metropolitan area, without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government in the area, a tax in 1975, payable in 1976, not to exceed .05 mills. The levy shall be extended and collected in the manner provided in section 92."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 5, strike "42, subdivision 1;"

The motion prevailed. S. F. No. 1383 was then progressed.

And then, on motion of Mr. Davies, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 9:30 o'clock a.m., Monday, April 21, 1975. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate