

FORTY-NINTH DAY

St. Paul, Minnesota, Friday, May 9, 1975

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

Prayer was offered by the Chaplain, Rev. Myron E. Nysether.

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

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

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. Schaaf and Stokowski were excused from the Session of today. Messrs. Frederick; Jensen; Knutson; Perpich, A. J. and Perpich, G. were excused from this morning's Session. Mr. Patton was excused from the Session of today from 1:30 o'clock p.m. until 4:30 o'clock p.m. Mr. Solon was excused from the Session of today at 4:00 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

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

The Honorable Alec G. Olson
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1975 Session of the State Legislature have been received

from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1975	Date Filed 1975
38		91	May 7	May 7
146		92	May 7	May 7
157		93	May 7	May 7
182		94	May 7	May 7
236		95	May 7	May 7
565		96	May 7	May 7
1302		97	May 7	May 7
	259	98	May 7	May 7

Sincerely,

Joan Anderson Growe
Secretary of State

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Mr. Moe introduced—

S. F. No. 1737: A bill for an act relating to retirement; survivor benefits to certain surviving spouses of deceased members of the public employees retirement association.

Referred to the Committee on Governmental Operations.

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 476: A bill for an act relating to pensions; invalidating provisions limiting pension or profit sharing rights if the employee joins a competing employer; amending Minnesota Statutes 1974, Chapter 181B, by adding a section.

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

Patton, Faricy and Moe.

Senate File No. 476 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 8, 1975

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1183: A bill for an act relating to motor vehicles; powers of the registrar of motor vehicles; providing that a county or city officer appointed as a deputy registrar need not give bond to the state; amending Minnesota Statutes 1974, Section 168.33, Subdivision 2.

Senate File No. 1183 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 8, 1975

CONCURRENCE AND REPASSAGE

Mr. Bernhagen moved that the Senate concur in the amendments by the House to S.F. No. 1183 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1183 was read the third time, as amended by the House, and placed on its repassage.

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

And the roll being called, there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Hanson, R.	North	Renneke
Arnold	Coleman	Hughes	Ogdahl	Schmitz
Ashbach	Conzemius	Humphrey	Olhoft	Schrom
Berg	Davies	Kirchner	Olson, A. G.	Solon
Bernhagen	Doty	Kleinbaum	Olson, H. D.	Spear
Blatz	Fitzsimons	Larson	Olson, J. L.	Stumpf
Borden	Gearty	Lewis	O'Neill	Ueland
Brataas	Hansen, Baldy	Milton	Patton	Wegener
Chenoweth	Hansen, Mel	Moe	Pillsbury	Willet

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1758:

H. F. No. 1758: A bill for an act relating to the organization and operation of state government; imposing regulations for community college operations; appropriating moneys with certain conditions for education and related purposes, including the university of Minnesota and its hospitals, state colleges, aids to

libraries, community colleges, higher education coordinating commission, and moneys for medical education.

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

Smith, Faricy, Searle, Enebo and Fugina have been appointed as such committee on the part of the House.

House File No. 1758 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 8, 1975

Mr. Arnold moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1758, and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1759:

H. F. No. 1759: A bill for an act relating to the organization and operation of state government; appropriating and reappropriating money therefor and limiting the use thereof; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of the fees to be collected in certain cases; providing penalties for misusing appropriated moneys; amending Minnesota Statutes 1974, Sections 12.21, Subdivision 3; 16.012; 16A.125, Subdivisions 5 and 6; 17A.11; 17B.15; 30.20; 116C.05; 116D.04, Subdivision 3; 144.61; 149.04; 176.611, Subdivision 6A; 181A.07; 308.905; 326.44; 326.64; 308.905; 347.33, Subdivision 3; 484.54; and Laws 1965, Chapter 415, Section 1, Subdivision 2 and 3; repealing Minnesota Statutes 1974, Sections 33.17; 88.063, Subdivision 2; and 246.32.

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

Haugerud, Eken, Voss, Knickerbocker and Norton have been appointed as such committee on the part of the House.

House File No. 1759 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 8, 1975

Mr. Arnold moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1759, and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate, to act with a

like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 557, 831 and 1476.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 8, 1975

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 404, 534, 581, 749, 951, 929 and 1304.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 8, 1975

FIRST READING OF HOUSE BILLS

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

H. F. No. 557: A bill for an act relating to commerce; consumer fraud; providing an exclusion for mass media; amending Minnesota Statutes 1974, Sections 325.774, Subdivision 1, and by adding a subdivision; and 325.79, Subdivision 3.

Referred to the Committee on Rules and Administration.

H. F. No. 831: A bill for an act relating to crimes; prescribing penalties for certain acts relating to the crime of prostitution; prescribing penalties; amending Minnesota Statutes 1974, Section 609.32, Subdivisions 2, 3, and 4, and by adding a subdivision.

Referred to the Committee on Rules and Administration.

H. F. No. 1476: A bill for an act relating to highways; municipal state-aid street system; payment of contract price; amending Minnesota Statutes 1974, Section 162.10.

Referred to the Committee on Rules and Administration.

H. F. No. 404: A bill for an act relating to banks; cash reserves of banks and trust companies; recordkeeping of savings associations; amending Minnesota Statutes 1974, Sections 48.22; and 51A.19, Subdivision 4.

Referred to the Committee on Rules and Administration.

H. F. No. 534: A bill for an act relating to chiropractic; fur-

ther defining the term "chiropractic"; amending Minnesota Statutes 1974, Section 148.01, by adding a subdivision; and 148.08, Subdivision 2.

Referred to the Committee on Rules and Administration.

H. F. No. 581: A bill for an act relating to retirement; providing a combined service annuity for public employees who have allowable service credit in more than one Minnesota retirement fund; amending Minnesota Statutes 1974, Chapter 356, by adding a section.

Referred to the Committee on Rules and Administration.

H. F. No. 749: A bill for an act relating to controlled substances; providing medical and educational intervention, evaluation, and treatment of persons in possession of small amounts of marijuana; providing penalties for possession of small amounts of marijuana; and prohibiting municipalities from enacting ordinances imposing greater civil or criminal penalties than provided by state law for the possession, sale or distribution of small amounts of marijuana; amending Minnesota Statutes 1974, Section 152.15, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Rules and Administration.

H. F. No. 951: A bill for an act relating to education; state colleges; authorizing the state college board to enter into reciprocity agreements with foreign institutions; amending Minnesota Statutes 1974, Section 136.111, Subdivisions 1 and 2.

Referred to the Committee on Rules and Administration.

H. F. No. 929: A bill for an act relating to banks, savings banks and credit unions; authorizing consumer banking facilities; providing penalties.

Referred to the Committee on Rules and Administration.

H. F. No. 1304: A bill for an act relating to banks and savings banks; providing for installment and open end loans; amending Minnesota Statutes 1974, Chapter 48, by adding a section; Sections 48.153; 48.154; 48.155; and repealing Minnesota Statutes 1974, Sections 50.161; 50.162; 50.163; 50.164 and 50.165.

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 reports on S. F. Nos. 1390, 1220, 1177, 1647, 1171, 1642, 1041, 685 and 1700. The motion prevailed.

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

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

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

Page 1, line 15, strike "*may bring an action*" and insert "*has a claim*"

Page 1, line 18, after "*sell*" insert "*or otherwise dispose of*"

Page 1, line 20, after "*appears*" insert "*to the landlord*"

Page 1, line 21, after "*premises*" insert "*whichever occurs last*"

Page 1, line 24, after the period insert "*Any remaining proceeds of the sale shall be paid to the tenant upon written demand.*"

Page 2, line 2, after "*sale*" insert "*at least 14 days prior to the sale,*"

Page 2, line 2, strike "*including*" and insert "*by personal service in writing or*"

Page 2, line 10, strike "*return or*"

Page 2, line 19, strike "*may*" and insert "*shall*"

Page 2, line 19, strike "*of*" and insert "*not to exceed*"

Page 2, line 21, after the period insert "*In determining the amount of punitive damages the Court shall consider (a) the nature and value of the property; (b) the effect the deprivation of the property has had on the tenant; (c) if the landlord, his agent or person acting under the landlord's direction or control unlawfully took possession of the tenant's property; and (d) if the landlord, his agent or person under the landlord's direction or control acted in bad faith in failing to allow the tenant to retake possession of the property. The provisions of this subdivision shall not apply to personal property which has been sold or otherwise disposed of by the landlord in accordance with subdivision 1.*"

Subd. 3. *If the landlord, his agent or person acting under the landlord's direction or control has unlawfully taken possession of a tenant's personal property the landlord shall be responsible for paying the cost and expenses relating to the removal, storage or care of the property.*"

Page 3, line 1, after "*person*" insert "*acting under the landlord's direction or control*"

Page 3, line 19, strike the second "*the*" and insert "*a*"

Page 4, line 17, after "*other*" insert "*rights or*"

Page 4, after line 17, insert "*Any provision, whether oral or*"

written, of any lease or other agreement, whereby any provision of sections 1 to 4 is waived by a tenant is contrary to public policy and void."

Page 5, line 17, strike "may" and insert "shall"

Page 5, line 32, after "premises" strike ", breaking in if necessary,"

Page 6, line 7, after "served" insert "by mail or personally"

Page 6, line 8, strike "and in the manner as"

Page 6, line 9, strike "a summons is required to be served under section 566.06"

Page 6, line 15, after "566.17" insert "or where otherwise provided by law"

Page 8, after line 11 insert:

"Sec. 9. Minnesota Statutes 1974, Section 504.20, is amended by adding a subdivision to read:

Subd. 7a. No tenant may withhold payment of all or any portion of rent for the last payment period of a residential rental agreement on the grounds that such deposit should serve as payment for the rent. Withholding all or any portion of rent for the last payment period of a residential rental agreement creates a rebuttable presumption that the tenant withheld the last payment on the grounds that such deposit should serve as payment for the rent. Violation of this subdivision after written demand and notice of this subdivision shall subject the tenant to damages of twice the deposit and forfeiture of any interest due on the deposit in addition to any actual damages."

Amend the title as follows:

Page 1, line 3, after "tenants;" insert "security deposits; withholding rent for last payment period;"

Page 1, line 6, after "Subdivision 6;" insert "504.20, by adding a subdivision;"

And when so amended the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

S. F. No. 1220: A bill for an act relating to highways; directing the department of highways to utilize a certain corridor in Washington county for the construction of interstate highway marked No. I 94.

Reports the same back with the recommendation that the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

H. F. No. 354: A bill for an act relating to public welfare; providing for the licensing of facilities and services for the handicapped and children; prescribing penalties; amending Minnesota Statutes 1974, Section 252.28; repealing Minnesota Statutes 1974, Sections 245.78; 245.79; 245.80; 245.81; 245.82; 257.081; 257.082; 257.091; 257.101; 257.102; 257.111; 257.123; and 257.124.

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

Page 1, line 13, after "*agencies for*" insert "*all*"

Page 1, line 15, strike "*and children*"

Page 1, line 19, strike "*15*" and insert "*14*"

Page 1, line 22, strike "*15*" and insert "*14*"

Page 2, line 3, strike "*the*" and insert "*his*"

Page 2, line 8, after "*homes*" insert a comma

Page 2, line 11, strike "*county*" and insert "*local*"

Page 2, line 11, strike "*department*" and insert "*agency*"

Page 2, line 13, strike "*Minnesota Statutes,*"

Page 2, line 27, strike "*the*"

Page 2, line 30, strike "*their*" and insert "*the person's*"

Page 2, line 30, strike "*homes*" and insert "*home*"

Page 3, lines 5 and 6, strike all the semicolons and insert commas

Page 3, strike lines 9 through 11

Renumber the subdivisions in sequence

Page 3, line 26, after "*specified*" insert "*period of*"

Page 3, line 28, strike "*department*" and insert "*commissioner*"

Page 3, line 32, after "*specified*" insert "*period of*"

Page 4, line 2, strike "*department, although*" and insert "*commissioner. A provisional license may be issued if*"

Page 4, line 8, strike "*overall*"

Page 4, line 8, strike "*one*" and insert "*a*"

Page 4, line 14, strike "*department, provided that operation of a day*" and insert "*commissioner*"

Page 4, strike lines 15 and 16

Page 4, line 17, strike "*is made for one*"

Page 4, line 18, strike "*placing out*" and insert "*placement*"

Page 4, line 19, strike *"in any way"*

Page 4, line 20, strike *"such"* and insert *"the"*

Page 4, line 22, strike *"department"* and insert *"commissioner"*

Page 4, line 22, strike *"it"* and insert *"he"*

Page 4, line 23, after *"offer"* insert *"consultation,"*

Page 4, line 27, strike *"affecting"* and insert *"which affect"*

Page 4, line 27, after *"applicant"* and before the period insert *“, and shall assist applicants and operators to meet and maintain requirements for licensure”*

Page 4, line 28, strike *"department"* and insert *"commissioner"*

Page 4, line 29, after the period insert

“The commissioner shall coordinate the licensure and inspection responsibilities contained herein with other state agencies and departments which have specific statutory responsibility relating to the investigation and review of facilities and agencies required to be licensed pursuant to this act.”

Page 4, strike lines 30 through 32

Page 5, strike lines 1 through 12

Page 5, line 14, strike *"department"* and insert *"commissioner"*

Page 5, line 15, strike *"proposed program of care for persons and for"* and insert *"the agency or"*

Page 5, line 16, strike *"operating"*

Page 5, line 16, strike *"or agency"*

Page 5, line 17, strike *"results of the study satisfy the department"* and insert *"commissioner is satisfied"*

Page 5, line 19, strike *"the department"* and insert *"him"*

Page 5, line 19, strike *"being"*

Page 5, line 21, strike *"show to the department"* and insert *"indicate"*

Page 5, line 22, after *"applicable"* insert *"laws,"*

Page 5, line 24, strike *"human"*

Page 5, line 25, after *"persons"* and before the comma insert *"to be served"*

Page 5, line 28, after *"the facility"* and before *"or"* insert *“, agency,”*

Page 5, line 28, after *"similar facility"* and before *"or"* insert *“, agency,”*

Page 5, line 31, strike *"When"*

Page 5, line 31, strike *"is being issued to"*

Page 5, line 32, strike *"any day care or residential facility or agency, it"*

Page 6, line 1, strike *"When"*

Page 6, line 1, after *"a"* insert *"renewal"*

Page 6, line 1, strike *"is being"*

Page 6, line 2, strike *"renewed, it"*

Page 6, line 4, strike *"day care and residential facility"*

Page 6, line 5, after *"license"* insert *"issued to a day care or residential facility"*

Page 6, strike lines 14 to 16

Page 6, line 17, strike *"15"* and insert *"14"*

Page 6, line 20, strike *", or by a legally appointed guardian."* and insert a semicolon

Page 6, line 23, strike the period and insert a semicolon

Page 6, line 24, strike *"one"* and insert *"a single"*

Page 6, line 25, strike the period and insert a semicolon

Page 6, line 28, strike the period and insert a semicolon

Page 6, line 30, strike *"department"* and insert *"state board"*

Page 6, line 30, strike *"caring for fewer than"* and insert *"except that an identifiable unit of such a facility which regularly provides care for more than five handicapped persons must be licensed under sections 2 to 14;"*

Page 6, strike line 31

Page 7, line 1, strike *". This"* and insert a semicolon

Page 7, line 2, strike *"includes any"* and insert *"(7) A"*

Page 7, line 3, strike the period and insert a semicolon

Renumber the clauses in sequence

Page 7, line 5, strike *"department"* and insert *"state board"*

Page 7, line 5, strike the period and insert a semicolon

Page 7, line 7, strike *"department"* and insert *"state board"*

Page 7, line 7, strike the period and insert a semicolon

Page 7, line 9, strike *"the"* and insert *"his"*

Page 7, line 11, strike the period and insert a semicolon

Page 7, line 13, strike the period and insert a semicolon

Page 7, line 16, strike *"department."* and insert *"commissioner;"*

Page 7, line 18, strike *"parents or"* and insert *"his"*

Page 7, line 19, strike "*of persons*"

Page 7, line 20, strike the period and insert a semicolon

Page 7, line 26, after "*meet the*" insert "*applicable*"

Page 7, line 26, strike "*department*" and insert "*commissioner*"

Page 7, line 27, after "*state*" insert "*board of*"

Page 7, line 27, strike "*department*"

Page 8, line 2, strike "*that there is a*" and insert "*of his*"

Page 8, line 3, strike "*, in writing,*" and insert "*. Written notice of appeal must be mailed*"

Page 8, line 3, strike "*the*" and insert "*receipt*"

Page 8, line 4, strike "*mailing*"

Page 8, line 7, strike "*On the basis of the*"

Page 8, line 8, strike "*evidence adduced at the hearing,*"

Page 8, line 9, strike "*final*"

Page 8, line 10, after "*be*" insert "*denied or*"

Page 8, line 10, strike the comma

Page 8, line 11, strike "*for*"

Page 8, line 11, strike "*, or denied*"

Page 8, line 11, after the period insert "*The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be sent to the applicant by certified or registered mail, and shall inform the applicant of his rights under chapter 15.*"

Page 8, line 12, strike "*department*" and insert "*commissioner*"

Page 8, line 15, strike "*department*" and insert "*commissioner*"

Page 8, line 16, after "*with*" insert "*applicable laws or*"

Page 8, line 17, strike "*department*" and insert "*commissioner*"

Page 8, line 18, strike "*is about to be*" and insert "*the commissioner proposes to*"

Page 8, line 19, strike "*suspended*" and insert "*suspend*"

Page 8, line 19, strike "*revoked*" and insert "*revoke*"

Page 8, line 19, strike "*made*" and insert "*make*"

Page 8, line 23, strike "*that there is a*" and insert "*of his*"

Page 8, line 25, strike "*the mailing*" and insert "*receipt*"

Page 8, line 29, strike "*On the basis of the evidence adduced at the hearing,*"

Page 8, line 30, strike "*final*"

Page 9, line 1, after "*health*" strike "*or*" and insert a comma

Page 9, line 1, strike "*human*"

Page 9, line 1, after "*of*" insert "*the*"

Page 9, line 1, after "*persons*" insert "*served by the facility or agency are in imminent danger*"

Page 9, line 2, strike "*requires*"

Page 9, line 6, strike "*that there is a*" and insert "*of his*"

Page 9, line 7, strike "*to reconsider*" and insert "*for reconsideration of*"

Page 9, line 13, strike "*On the basis of the*"

Page 9, line 14, strike "*evidence adduced at the hearing,*"

Page 9, line 15, strike "*the final*" and insert "*a*"

Page 9, line 17, after the period insert "*The commissioner shall not be bound by the recommendation of the hearing examiner. The final decision of the commissioner shall be served on the operator by personal service, and shall inform the applicant of his rights under chapter 15.*"

Page 9, line 22, after "*of*" strike "*the*" and insert "*any party*"

Page 9, line 23, strike "*appellant or department*"

Page 9, line 23, after the period insert "*Each decision of a*"

Page 9, line 23, strike "*decisions*"

Page 9, line 25, after "*parties*" strike "*to the*"

Page 9, line 26, strike "*proceedings*"

Page 9, line 27, strike "*, or otherwise*"

Page 9, line 29, after "*with*" insert "*applicable laws, or*"

Page 9, line 30, strike "*make*" and insert "*be granted a*"

Page 9, line 30, strike "*application for*"

Page 9, line 31, after "*years*" and before the period insert "*following the revocation or denial of renewal*"

Page 9, line 31, strike "*An applicant whose application for license has*"

Page 9, strike line 32

Page 10, strike line 1

Page 10, line 3, strike "*department*" and insert "*commissioner*"

Page 10, line 8, strike "*the department*" and insert "*he*"

Page 10, line 10, strike the first "*department*" and insert "*state board*"

Page 10, line 10, strike the second "*department*" and insert "*state board*"

Page 10, line 11, after the comma insert "*and*"

Page 10, line 11, strike "*and the attorney general*"

Page 10, line 11, strike "*The*" and insert "*Any*"

Page 10, line 12, strike "*agencies*" and insert "*agency*"

Page 10, line 12, strike "*are*" and insert "*is*"

Page 10, line 13, strike "*department*" and insert "*commissioner*"

Page 10, line 15, strike the period and insert a semicolon

Page 10, line 16, strike "*, or the parents, guardians,*" and insert "*and the*"

Page 10, line 16, strike "*, or*"

Page 10, line 17, strike "*custodians of those*" and insert "*of the*"

Page 10, line 17, strike the period and insert a semicolon

Page 10, line 18, strike the period and insert a semicolon

Page 10, line 20, strike the period and insert a semicolon

Page 10, line 21, strike "*the various*" and insert "*relevant*"

Page 10, line 21, strike "*as are*"

Page 10, line 22, strike "*relevant*"

Page 10, strike lines 23 to 32

Page 11, strike lines 1 to 13

Page 11, line 14, strike "*3*" and insert "*2*"

Page 11, line 14, strike "*department*" and insert "*commissioner*"

Page 11, line 15, strike "*its licensing*" and insert "*the*"

Page 11, line 15, after "*regulations*" insert "*promulgated under sections 2 to 14*"

Page 11, line 19, strike "*15*" and insert "*14*"

Page 11, line 21, strike "*department*" and insert "*commissioner*"

Page 11, line 24, strike "*When there is a*" and insert "*If the facility or agency is in*"

Page 11, line 24, strike "*15*" and insert "*14*"

Page 11, line 25, strike "*department*" and insert "*commissioner and the operator has failed to correct the violation within 30 days of receipt of a written order to do so*"

Page 11, line 26, strike "*When*" and insert "*If*"

Page 11, line 29, after "*by the*" insert "*appropriate*"

Page 11, line 29, strike "*of the*" and insert a period

Page 11, strike lines 30 and 31

Page 11, line 32, strike "*offers or*"

Page 12, line 2, strike "*15*" and insert "*14*"

Page 12, line 3, strike "*application of the foregoing*"

Page 12, line 3, after "*sanctions*" insert "*provided in sections 2 to 14 are cumulative, and shall not be construed as restricting any sanctions otherwise available.*"

Page 12, strike lines 4 and 5

Page 12, line 8, strike "*department*" and insert "*commissioner*"

Page 12, line 10, strike "*department*" and insert "*commissioner*"

Page 12, line 14, strike "*department*" and insert "*commissioner*"

Page 12, line 18, strike "*department*" and insert "*commissioner*"

Page 12, line 20, after "*the*" insert "*applicant or*"

Page 12, line 25, strike "*department*" and insert "*commissioner*"

Page 12, line 26, strike "*a ground*" and insert "*cause*"

Page 13, line 2, strike "*a duly authorized*"

Page 13, line 3, strike "*representative of the department*" and insert "*the commissioner*"

Page 13, line 5, after "*applicable*" insert "*law or*"

Page 13, line 5, after "*regulation*" insert a comma

Page 13, line 7, after "*specific*" insert "*law or*"

Page 13, line 8, strike "*A*"

Page 13, strike lines 9 and 10

Page 13, line 15, after the period insert "*A forfeiture order may be appealed in accordance with the procedures set forth in section 6.*"

Page 13, strike lines 18 to 23

Page 13, line 32, strike "*such a*" and insert "*the*"

Page 14, line 10, strike "*Except as specified in Minnesota*"

Page 14, line 11, strike "*Statutes 252.28,*"

Page 14, line 16, strike "*such*" and insert "*the*"

Page 14, line 17, strike "*The commissioner shall establish rules*"

Page 14, strike line 18

Page 14, line 30, strike "*such*"

Page 14, line 31, strike "*such*" and insert "*the*"

Page 15, line 5, strike "*such*"

Page 15, line 10, after "*notice*" insert "*from the commissioner*"

Page 15, line 15, strike "*and subdivision 6,*"

Page 15, line 22, strike "*shall*" and insert "*may*"

Page 15, line 22, strike "*Minnesota Statutes, Sections*" and insert "*section*"

Page 15, line 23, strike "*or 609.231*"

Page 15, after line 23, insert:

"It shall be the responsibility of any operator of a facility or agency required to be licensed to provide living conditions, programs, policies and procedures to safeguard the well-being and safety of any person in the care of that facility or agency. Any operator who permits conditions to exist which result in the physical or sexual abuse or willful neglect of any person in the care of that agency or facility may be charged pursuant to section 609.23."

Page 15, line 29, after "*facility*" insert "*or agency*"

Page 15, line 31, after "*facility*" insert "*or agency*"

Page 15, line 32, strike "*department*" and insert "*commissioner*"

Page 16, line 1, strike "*appropriate*" and insert "*local welfare agency or*"

Page 16, line 2, strike "*local*" and insert "*commissioner*"

Page 16, line 3, strike "*welfare agency*"

Page 16, line 7, after "*the*" insert "*commissioner, the*"

Page 16, line 10, after "*facility*" insert "*or agency*"

Page 16, line 12, after "*facility*" and before the period insert "*or agency*"

Page 16, line 12, after "*The*" insert "*local welfare agency or*"

Page 16, line 13, strike "*local welfare agency*" and insert "*commissioner*"

Page 16, line 23, after "*court*" and before the period insert "*or jury*"

Page 16, line 32, after "*the*" strike "*department*" and insert "*commissioner*"

Page 17, line 2, after "*facility*" insert "*or agency*"

Page 17, line 5, after "*department*" insert "*or local welfare agency*"

Page 17, line 6, strike "*local welfare agency*" and insert "*commissioner*"

Page 17, line 10, after "*of*" insert "*neglect or*"

Page 17, line 12, strike *“, instead of the local welfare agency or”*

Page 17, line 13, strike *“police department”*

Page 17, line 14, strike *“department”* and insert *“commissioner”*

Page 17, line 16, after *“of”* insert *“neglect or”*

Page 17, line 19, after *“authorities”* insert *“, the commissioner,”*

Page 17, line 20, strike *“agencies”* and insert *“agency”*

Page 17, line 20, insert:

“Subd. 8. [INVESTIGATION.] The commissioner shall immediately investigate any report received under this section. The commissioner shall arrange for the transmittal of reports received by local agencies to him, and may delegate to any local welfare agency the duty to investigate reports.

Subd. 9. [RECORDS.] All records maintained by the commissioner or a local welfare agency under this section, including any written reports filed under subdivision 6, shall be private. The records shall be collected and maintained in accordance with the provisions of Minnesota Statutes, Sections 15.162 to 15.168, and an individual subject of a record shall have access to the record in accordance with those sections except that the name of the reporter shall be disclosed only (a) by the commissioner or the local welfare agency if the report is unsubstantiated and (b) upon court order if the report is substantiated.

Records maintained by the commissioner or local welfare agencies under this section must be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be unsubstantiated shall be destroyed immediately;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed 7 years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated to the satisfaction of the commissioner or the local agency may be kept for a period of one year. If the commissioner or the local agency is unable to substantiate the report within that period, all records relating to the report shall be destroyed immediately.”

Page 17, strike lines 21 to 32

Page 18, strike line 1

Page 19, line 12, strike *“continuously effective and shall be”* and insert *“in effect until expressly superseded by the rules and regulations promulgated”*

Page 19, line 13, strike *“prospectively effective”*

Page 19, line 13, strike *“15 enacted by”* and insert *“14”*

Page 19, line 14, strike "*this act*"

Renumber the sections in sequence

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 re-referred

S. F. No. 1177: A bill for an act relating to Blue Earth county; authorizing the county of Blue Earth to contract for the completion of the improvement of county ditch no. 27; setting limits for the expenditure of money for the improvement thereof; authorizing the issuance of bonds and levying of special assessments for the payment thereof.

Reports the same back with the recommendation that the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

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.

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

Page 2, line 2, strike "*two years*" and insert "*six months*"

Page 2, line 14, strike "*Prior*"

Page 2, strike lines 15 through 19

Page 2, line 20, strike "*the county in which the animal was seized.*"

Amend the title as follows:

Page 1, strike line 5

Page 1, line 6, strike "*sale or destruction;*"

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. 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.

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

Page 3, lines 8 and 9, strike "from the game and fish fund,"

Page 3, line 9, reinstate the stricken "of not to exceed"

Page 3, line 9, after "five" insert "seven"

Page 3, line 10, reinstate the stricken "acres,"

Page 3, lines 31 and 32, strike "from the game and fish fund"

Page 6, line 9, strike "\$100" and insert "\$50"

Page 6, line 13, strike "\$100" and insert "\$50"

Page 8, line 3, strike "The"

Page 8, strike lines 4 through 7

Amend the title as follows:

Lines 2 and 3, strike "powers of the commissioner;"

Line 3, before "forest" insert "transferring"

Line 3, after "control" insert "jurisdiction from the commissioner of agriculture to commissioner of natural resources"

Line 4, before "public" insert "eliminating certain restrictions on acquisition of"

Line 4, before "commercial" insert "changing license fees for"

Line 5, before "decoys" insert "prohibiting"

And when so amended the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

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

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

Page 3, line 17, strike "such"

Page 3, line 17, strike "and regulations"

Page 3, line 20, after "prescribe" insert "*by rule*"

Page 3, line 26, strike "of the"

Page 3, line 26, after "board" insert "*rules*"

Page 3, line 31, after "*shall*" insert "*by rule*"

Page 4, line 1, after "hearings" insert "*pursuant to the administrative procedure act*"

Page 4, line 13, strike "fix"

Page 4, line 13, strike "compensation and"

Page 4, line 14, strike "*appoint*" and insert "*as necessary from time to time secure the services of*"

Page 4, line 15, strike "*and fix the*"

Page 4, line 16, strike everything before the period and insert "*consistent with chapters 15 and 43*"

Page 4, line 18, strike "The treasurer or any other"

Page 4, strike lines 19 to 20

Page 5, line 15, strike "*not*"

Page 5, line 16, strike "*more than \$50 to the board*" and insert "*an amount determined by rule by the board so that total fees collected by the board will as closely as possible equal anticipated expenditures*"

Page 5, line 19, strike "*not more than \$40*" and insert "*an amount determined in the same manner*"

Page 6, line 18, after "board" insert "*by rule*"

Page 7, line 25, after "power" insert "*pursuant to procedures specified in the administrative procedure act, unless otherwise permitted in this section,*"

Page 8, line 30, strike "60" and insert "30"

Page 8, line 32, strike "*alleged by the executive director to be*"

Page 9, line 1, after "board" and before "and" insert "*a citation has been issued by the board pursuant to this subdivision,*"

Page 9, line 1, strike "*determines*" and insert "*has determined*"

Page 9, line 3, after the period insert "*The board must schedule a hearing on a temporary suspension within ten days after the date of suspension. At any hearing under this section,*"

Page 9, line 5, strike "*employed by the board shall*" and insert "*may*"

Page 9, line 9, strike "at the election of the licensee by a writ"

Page 9, line 10, strike "of certiorari brought"

Page 9, line 10, strike "the"

Page 9, line 10, strike "of Ramsey" and insert "*pursuant to sections 15.0424 to 15.0426.*"

Page 9, strike lines 11 to 15

Page 11, lines 10 to 17, reinsert the stricken language

Page 11, line 10, strike the reinserted "(8)" and insert "(6)"

Page 11, line 18, strike "(6)" and insert "(7)"

Page 15, line 29, after "prescribe" insert "by rule"

Page 16, line 5, strike "*not more than \$45 to the board*" and insert "*an amount determined by rule by the board so that total fees collected by the board will as closely as possible equal anticipated expenditures*"

Page 16, line 6, strike "*not more than \$35*" and insert "*an amount determined in the same manner*"

Page 16, line 11, after "shall" insert "by rule"

Page 16, line 15, after "may" insert "by rule"

Page 16, line 23, strike "of the"

Page 16, line 23, after "board" insert "rules"

Page 18, line 26, after "board" insert "by rule"

Page 19, line 28, after "power" insert "*pursuant to procedures specified in the administrative procedure act, unless otherwise permitted in this section,*"

Page 20, line 31, strike "60" and insert "30"

Page 21, line 1, strike "*alleged by the executive*"

Page 21, line 2, strike "*director to be*"

Page 21, line 2, after "board" insert "*, a citation has been issued by the board pursuant to this subdivision,*"

Page 21, line 3, strike "*determines*" and insert "*has determined*"

Page 21, line 4, after the period insert "*The board must schedule a hearing on a temporary suspension within ten days after the date of suspension. At any hearing under this section,*"

Page 21, line 6, strike "*employed by the board shall*" and insert "*may*"

Page 21, line 10, after "court" insert "*pursuant to sections 15.0424 to 15.0426*"

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

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

H. F. No. 1133: A bill for an act relating to police pensions in the city of Duluth; amending Laws 1953, Chapter 91, Section 1, Subdivisions 7 and 8, as amended; Section 7; and Section 11, Subdivisions 1, as amended; and 2.

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

Page 1, line 10, strike "*his or her*" and insert "*the member's*"

Page 1, line 13, strike "*his or her*" and insert "*the member's*"

Page 1, line 13, strike "*him or her*" and insert "*the member*"

Page 1, line 14, strike "*his or her*" and insert "*the member's*"

Page 2, line 17, strike "*his or her*" and insert "*the member's*"

Page 2, line 19, strike "*his or her*" and insert "*the member's*"

Page 2, line 27, strike "*he or she*" and insert "*the member*"

Page 2, line 28, strike "*his or her*" and insert "*the member's*"

Page 2, line 29, strike "*his*"

Page 2, line 30, strike "*or her*" and insert "*the member's*"

Page 3, line 5, strike "*him or her*" and insert "*the member*"

Page 3, line 7, strike "*his or her*" and insert "*the member's*"

Page 3, line 17, strike "*him or her*" and insert "*the member*"

Page 3, line 24, strike "*his or her*" and insert "*the member's*"

Page 3, line 29, strike "*his or her*" and insert "*the member's*"

Page 4, line 13, strike "*remarry, his or her*" and insert "*remarries, the spouse's*"

Page 4, line 31, strike "*he or she*" and insert "*such person*"

Page 4, line 32, strike "*his*"

Page 4, line 32, strike "*or her*" and insert "*such person's*"

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

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

S. F. No. 863: A bill for an act relating to education; changing the time for the annual meeting of boards of independent school districts; amending Minnesota Statutes 1974, Section 123.34, Subdivision 1.

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. 1171: A bill for an act relating to forcible entry and unlawful detainer; amending Minnesota Statutes 1974, Section 566.06.

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

Page 2, after line 24 insert:

"Sec. 2. Minnesota Statutes 1974, Section 566.09, is amended to read:

566.09 [JUDGMENT; FINE; EXECUTION.] If, upon the trial, the justice or jury find for the plaintiff, the justice shall *immediately* thereupon enter judgment that the plaintiff have restitution of the premises, and tax the costs for him. The justice shall issue execution in favor of the plaintiff for such costs, and also *immediately* issue a writ of restitution. *No stay of the writ of restitution may be granted except upon a showing by the defendant that the restitution would work a substantial hardship upon the defendant. Upon a proper showing by the defendant of substantial hardship, the justice may stay the writ of restitution for a reasonable period not to exceed seven days, except that no stay of the writ of restitution shall extend later than three days prior to the date the rent is next due.* If the justice or jury shall find for the defendant, he shall enter judgment for the defendant, tax the costs against the plaintiff, and issue execution therefor."

Amend the title as follows:

Page 1, line 2, after "detainer;" insert "providing for stay of writ of restitution;"

Page 1, line 3, strike "Section" and insert "Sections"

Page 1, line 3, after "566.06" insert "and 566.09"

And when so amended the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

H. F. No. 142: A bill for an act adding a new route to the trunk highway system.

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

Page 1, line 15, strike "and" and insert "and/or"

Page 1, line 16, strike "and"

Page 1, line 17, strike "municipalities"

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

H. F. No. 1127: A bill for an act relating to veterans; authorizing the apportionment of Vietnam veterans bonus payments between surviving parents and person in loco parentis in certain instances; amending Minnesota Statutes 1974, Section 197.971, Subdivision 4.

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

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

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.

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

Strike everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. As used in this act, the following terms shall have the meanings given.

Subd. 2. "Closing" means the termination of service operations at a state institution or an identifiable unit of the institution which employs 10 or more either for fiscal reasons, changes in service modes, or obsolescence of programs or facilities.

Subd. 3. "State institution" means any hospital, home, or school operated by the commissioner of public welfare and any correctional institution operated by the commissioner of corrections.

Subd. 4. "Employee" means a full-time employee in the classified civil service of the state currently employed at a state institution scheduled for closing who will have at least six months service in any state institution at the scheduled time of closing.

Subd. 5. "Affected employee" is an employee who will suffer unemployment as a result of the closing of a state institution.

Sec. 2. [ANNOUNCEMENT OF CLOSING; PLAN.] The head of the state agency or department operating a state institution scheduled for closing shall announce the scheduled closing to the public and the employees of the institution at least six months prior to the scheduled closing date. No institution may be closed without this prior announcement. Within 20 days after the announcement, the head of the agency or department shall, after consultation with the commissioners of administration and personnel issue a written plan which shall provide for the rights of

affected employees pursuant to sections 3 to 9. Copies of the plan shall be made available to affected employees.

Sec. 3. [PREFERENCE FOR AFFECTED EMPLOYEES.] An affected employee shall be given preference over new hires for same or similar positions in all state departments or agencies. The preference given in this section shall expire upon acceptance of a job offer or the tender of a second job offer pursuant to this section, or the expiration of one year after the date of closing, whichever occurs first. If after a year an employee has not received at least two job offers pursuant to this section he may elect retraining under section 4. An affected employee re-employed pursuant to section 43.23 shall not be reduced in compensation or benefits except that he shall receive no compensation or be entitled to no benefits from the state for the periods, if any, not working for the state, except as provided in this section, an affected employee who does not waive the rights given by this section prior to the date of closing shall not be entitled to any of the rights given by sections 4, 5 and 8.

Sec. 4. [ALTERNATIVE RIGHT; RETRAINING.] In lieu of the preference given by sections 3, 5, 8 and 9, an affected employee may elect prior to the date of closing to waive other preference rights and to undergo retraining. This option is available upon certification by the commissioner of personnel that other positions are available in state departments or agencies, or in succeeding institutions to which section 9 is applicable, for which the employee would be qualified if retrained. The head of the department or agency which operated the state institution shall provide to the affected employee during the period of retraining the employee's wage or salary at the time of closing. In addition, during the period of retraining the department head shall pay any tuition and any other expenses reasonably necessary to the employee's completion of the retraining program. Payments to or for the benefit of the affected employee for compensation, tuition and expenses shall not exceed \$250 per week during the period of retraining. The determination of when training is appropriate and the approval of any specific training program shall be made by the commissioner of personnel who shall have a continuing responsibility to supervise and evaluate any approved training. The period of re-training shall not exceed twelve months.

Sec. 5. [ALTERNATIVE RIGHT; EARLY RETIREMENT.] In lieu of the rights granted by sections 3, 4, 7, 8 and 9, an affected employee of a state institution scheduled for closing who does not continue public employment and who is or will be at least age 55 at the scheduled time of closing, if not otherwise entitled to receive an immediate full normal annuity, may elect upon application to the appropriate retirement fund or funds in which the employee has allowable service credit to receive a retirement annuity based upon all credited service at the time of closing or the value of the monies credited to his account as the case may be. The election by the affected employee must be made prior to the date of closing. The benefit shall be computed as if the employee

were age 65 or normal retirement age and shall not be reduced for retirement prior to normal retirement age. If an employee has less than 10 years of service or is otherwise not vested, his retirement annuity shall be computed on a pro-rata basis. Provisions in the law governing the retirement funds in respect to benefits based on service in more than one fund shall be applicable where not inconsistent herewith. The employee may select an actuarially equivalent joint and survivor annuity in lieu of the full normal annuity if available under the laws of the respective retirement fund.

The department or agency which operated the closed institution shall semi-annually reimburse the retirement fund for the full amount of benefits paid to the retired employee receiving benefits under this act until the employee reaches age 65 or normal retirement age if normal retirement age for the employee would be less than age 65 considering the employee's length of service.

Sec. 6. [DEFERRED ANNUITY; COMBINED SERVICE.] Subdivision 1. In the event that any employee does not continue in public service covered by a public pension fund and does not qualify for a service annuity, a deferred annuity or a combined service annuity, the employee shall qualify for a pro rata deferred service annuity upon reaching normal retirement age, which deferred annuity shall be augmented at the rate specified under the law of the retirement fund in effect when the employee last terminates public service.

Subd. 2. For any employee who transfers to other public employment covered by a public pension fund, that employee shall qualify for a combined service annuity or an augmented deferred annuity based on service in more than one fund pursuant to the law in effect when the employee last terminates public service, notwithstanding any law to the contrary.

Sec. 7. [RELOCATION EXPENSES.] Any employee who accepts employment under the provisions of sections 3 or 9 or after completion of re-training pursuant to section 4 or who accepts private or public employment elsewhere within 12 months of the closure of the state institution shall be entitled to relocation expenses in the manner provided in an existing collective bargaining agreement in section 43.327. The expenses shall be charged against the department or agency which operated the closed institution.

Sec. 8. [ALTERNATIVE RIGHT; SEVERANCE PAY.] In lieu of the rights given by sections 3 through 7, an affected employee may prior to the date of closing elect to be paid severance pay in the amount of five percent of the employee's last annual salary or wage, not to exceed \$1,000, multiplied by the number of years of state service and fraction thereof, but in no case shall the amount of severance pay receivable under this section exceed \$5,000. Severance pay paid pursuant to this section shall be charged against the department or agency which operated the institution at the time of closing and shall be in lieu of any severance pay otherwise available to the employee pursuant to other law.

Sec. 9. [SUCCESSOR OPERATING AGENCIES.] Any institu-

tion or facility which succeeds in whole or in part to the functions of a state institution upon its closing shall, as a condition of its receiving any state funds, observe the preference hiring right granted affected employees in section 3 to the extent that granting the preference would not be inconsistent with any duly enacted merit or civil service system and laws or rules enacted pursuant thereto.

Sec. 10. [PROCEDURES.] Any elections of rights which may be made pursuant to sections 3 to 9 shall be pursuant to procedures and on forms adopted by the commissioner of personnel. The commissioner of personnel may promulgate rules necessary to implement the provisions of sections 1 to 9. The commissioner shall annually report to the legislature pursuant to section 3.195 on the benefits given to affected employees pursuant to this act and his suggestions on legislation needed to insure equitable treatment for all state employees in connection with the closing of a state institution."

And when so amended the bill do pass and be re-referred to the Committee on Finance. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

S. F. No. 1041: A bill for an act relating to crimes; specifying the acts constituting sexual offenses; admissibility of evidence in sex offense prosecutions; providing penalties; amending Minnesota Statutes 1974, Chapter 609, by adding sections; repealing Minnesota Statutes 1974, Sections 609.29; 609.291; 609.292; 609.293; 609.294; 609.295; and 609.296.

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 609.185 is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.] Whoever does either of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) Causes the death of a human being with premeditation and with intent to effect the death of such person or of another; or

(2) Causes the death of a human being while committing or attempting to commit ~~rape or sodomy~~ criminal sexual conduct in the first or second degree with force or violence, either upon or affecting such person or another.

Sec. 2. Minnesota Statutes 1974, Chapter 609 is amended by adding a section to read:

[609.29] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 2 to 12, the terms in this section have the meanings given them:*

Subd. 2. "Actor" means a person accused of criminal sexual conduct.

Subd. 3. "Force" means commission or threat by the actor of an assault, as defined in section 609.22, or commission or threat of any other crime by the actor against the complainant or another, which causes the complainant to reasonably believe that the actor has the present ability to execute the threat, and also causes the complainant to submit.

Subd. 4. "Consent" means a voluntary uncoerced manifestation of a present agreement to perform a particular sexual act.

Subd. 5. "Intimate parts" includes the primary genital area, groin, inner thigh, buttocks, or breast of a human being.

Subd. 6. "Mentally defective" means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of his conduct.

Subd. 7. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct due to the influence of alcohol, a narcotic, anesthetic, or any other substance administered to that person without his agreement, or due to any other act committed upon that person without his agreement.

Subd. 8. "Physically helpless" means that a person is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to act and the condition is known or reasonably should have been known to the actor.

Subd. 9. "Position of authority" includes but is not limited to any person acting in the place of a parent and charged with any of a parent's rights, duties or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of the act.

Subd. 10. "Sexual contact" includes any of the following acts committed without the complainant's consent, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual or aggressive impulses, except in those cases where consent is not a defense:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the coerced touching by the complainant of the actor's, the complainant's, or another's intimate parts, or

(iii) *the coerced touching by another of the complainant's intimate parts, or*

(iv) *in any of the cases above, of the clothing covering the immediate area of the intimate parts.*

Subd. 11. "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of the complainant's body of any part of the actor's body or any object used by the actor for this purpose, where the act is committed without the complainant's consent, except in those cases where consent is not a defense. Emission of semen is not necessary.

Subd. 12. "Complainant" means a person alleging to have been subjected to criminal sexual conduct.

Sec. 3. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.291] [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.] *A person is guilty of criminal sexual conduct in the first degree and may be sentenced to imprisonment for not more than 20 years, if he engages in sexual penetration with another person and if any of the following circumstances exists:*

(a) *The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or*

(b) *The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or*

(c) *Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or*

(d) *The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or*

(e) *The actor causes bodily harm to the complainant, as defined in section 609.02, subdivision 7, and either of the following circumstances exists:*

(i) *the actor uses force or coercion to accomplish sexual penetration; or*

(ii) *the actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or*

(f) *The actor is aided or abetted by one or more accomplices*

within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.

Sec. 4. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.292] [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.] *A person is guilty of criminal sexual conduct in the second degree and may be sentenced to imprisonment for not more than 15 years if he engages in sexual contact with another person and if any of the following circumstances exists:*

(a) The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to coerce the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(c) Circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another; or

(d) The actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit; or

(e) The actor causes bodily harm to the complainant, as defined in section 609.02, subdivision 1, and either of the following circumstances exists:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or

(f) The actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) *an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit.*

Sec. 5. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.293] [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.] *A person is guilty of criminal sexual conduct in the third degree and may be sentenced to imprisonment for not more than ten years, if he engages in sexual penetration with another person and any of the following circumstances exists:*

(a) *The complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense; or*

(b) *The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant and not in a position of authority over the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he may be sentenced to imprisonment for not more than 5 years. Consent by the complainant is not a defense; or*

(c) *The actor uses force or coercion to accomplish the penetration; or*

(d) *The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.*

Sec. 6. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.294] [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.] *A person is guilty of criminal sexual conduct in the fourth degree and may be sentenced to imprisonment for not more than 5 years, if he engages in sexual contact with another person and if any of the following circumstances exists:*

(a) *The complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense; or*

(b) *The complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to coerce the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor reasonably believes the complainant to be 16 years of age or older; or*

(c) *The actor uses force or coercion to accomplish the sexual contact; or*

(d) *The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless.*

Sec. 7. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.295] [SUBSEQUENT OFFENSES.] *Subdivision 1. If a person is convicted of a second or subsequent offense under sections 3 to 7 within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted; provided, however, that the court may invoke the provisions of section 609.135, if a specific condition of the probationary term under section 609.135 includes the successful completion of a treatment program for anti-social sexual behavior, and such person shall not be eligible for parole from imprisonment until he shall either have served the full minimum sentence herein provided, or until he shall have successfully completed a treatment program for anti-social sexual behavior as herein provided notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135.*

Subd. 2. For the purposes of this section, an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the actor has been at any time convicted under sections 3 to 7 or under any similar statute of the United States, or this or any other state.

Sec. 8. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.296] [EVIDENCE.] *Subdivision 1. In a prosecution under sections 3 to 7, the testimony of a complainant need not be corroborated.*

Subd. 2. In a prosecution under sections 3 to 7, there is no need to show that the complainant resisted the actor.

Subd. 3. In a prosecution under sections 3 to 7, evidence of the complainant's previous sexual conduct shall not be admitted nor shall any reference to such conduct be made in the presence of the jury, except by court order under the procedure provided in subdivision 4, and only to the extent that the court finds that any of the following proposed evidence is material to the fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value:

(a) *When consent or fabrication by the complainant is the defense in the case, evidence of such conduct tends to establish a common scheme or plan of similar conduct on the part of the complainant, relevant to the issue of consent or fabrication. Evidence of such conduct engaged in more than one year prior to the date of alleged offense is inadmissible;*

(b) Evidence of specific instances of sexual activity showing the source of semen, pregnancy, or disease at the time of the incident or, in the case of pregnancy, between the time of the incident and trial;

(c) Evidence of the complainant's past sexual conduct with the defendant;

(d) For purposes of impeachment, when such evidence is offered to rebut specific testimony of the complainant.

Subd. 4. The defendant may not offer evidence described in subdivision 3 except pursuant to the following procedure:

(a) A motion shall be made by the defendant prior to trial, unless later for good cause shown, stating to the court and prosecutor that the defendant has an offer of proof of the relevancy of the evidence of the sexual conduct of the complainant which is proposed to be presented;

(b) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and in such hearing shall allow the defendant to make a full presentation of his offer of proof;

(c) At the conclusion of the hearing, if the court finds that the evidence proposed to be offered by the defendant regarding the sexual conduct of the complainant is relevant and material to the fact of consent, and is not so prejudicial as to be inadmissible, the court shall make an order stating the extent to which evidence is admissible under subdivision 3 and prescribing the nature of questions to be permitted at trial. The defendant may then offer evidence pursuant to the order of the court;

(d) If new information is discovered after the date of the hearing or during the course of trial, which may make evidence described in subdivision 3 admissible, the defendant shall make the disclosures under clause (a) of this subdivision and the court shall order an in camera hearing to determine whether the proposed evidence is admissible by the standards herein.

Subd. 5. In a prosecution under sections 3 to 7, the court shall not instruct the jury to the effect that:

(a) It may be inferred that a complainant who has previously consented to sexual intercourse with persons other than the defendant would be therefore more likely to consent to sexual intercourse again; or

(b) The complainant's previous or subsequent sexual conduct in and of itself may be considered in determining the credibility of the complainant; or

(c) Criminal sexual conduct is a crime easily charged by a complainant but very difficult to disprove by a defendant because of the heinous nature of the crime; or

(d) The jury should scrutinize the testimony of the complain-

ant any more closely than it should scrutinize the testimony of any witness in any felony prosecution.

Sec. 9. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.297] This act shall not apply to sexual penetration or sexual contact when done for a bona fide medical purpose.

Sec. 10. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.298] A person does not commit criminal sexual conduct under this act if the actor and the complainant were cohabiting at the time of the alleged offense, or if the complainant is the actor's legal spouse, unless the couple is living apart and one of them has filed for separate maintenance or dissolution of the marriage. Nothing in this section shall be construed to prohibit or restrain the prosecution for any other offense committed by any person against his legal spouse.

Sec. 11. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.299] [COSTS OF MEDICAL EXAMINATION.] No costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a complainant of criminal sexual conduct, when the examination is performed for the purpose of gathering evidence for possible prosecution, shall be charged directly or indirectly to the complainant. The reasonable costs of such examination shall be paid by the county in which the alleged offense was committed. Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private.

Sec. 12. Minnesota Statutes 1974, Chapter 609, is amended by adding a section to read:

[609.2911] [APPLICABILITY TO PAST AND PRESENT PROSECUTIONS.] Except for section 8 of this act, crimes committed prior to the effective date of this act are not affected by its provisions.

Sec. 13. Minnesota Statutes 1974, Sections 609.29; 609.291; 609.292; 609.293; 609.295; 609.296; 609.34; and 609.36 are repealed."

Amend the title as follows:

Page 1, line 5 after "1974," insert "Section 609.185; and"

Page 1, line 8, strike "609.294;"

Page 1, line 8 after "609.295;" strike "and 609.296" and insert "609.296; 609.34; and 609.36 "

And when so amended the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

H. F. No. 1330: A bill for an act relating to labor; directing the commissioner of labor and industry to enforce the prohibition against administering polygraph tests to employees; prescribing penalties; amending Minnesota Statutes 1974, Section 181.75; repealing Minnesota Statutes 1974, Section 181.77.

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

Page 1, line 17, after "employee" insert "*nor shall any person knowingly sell to or interpret for an employer or agent thereof such a test*"

Page 1, line 18, after "person" insert "*knowingly*"

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

Page 1, line 23, strike "*such*" and insert "*any*"

Page 1, line 23, strike "*as is*"

Page 2, line 19, strike "*and*" and insert "*to*"

Page 2, line 20, after "*recover*" insert "*any and all*"

Page 2, line 20, after "*damages*" insert "*recoverable at law*"

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

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

H. F. No. 597: A bill for an act relating to the Minnesota society for the prevention of cruelty; eliminating jurisdiction of society over matters of cruelty to children; amending Minnesota Statutes 1974, Sections 343.01, Subdivision 1; 343.04; 343.05; 343.06; 343.07; 343.08; 343.10; 343.11; and 343.12.

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

Page 1, line 18, strike "*Pursuant to chapter 15,*"

Page 1, line 19, strike "*and regulations*"

Page 2, line 5, strike "*in prosecuting*" and insert "*lawfully empowered officials in the prosecution of*"

Page 3, line 5, strike "*dumb*"

Page 3, line 10, strike "*dumb*"

Page 3, line 12, strike "*dumb*"

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

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

H. F. No. 1328: A bill for an act relating to real estate; abstracters; increasing fees and amount of bonds; changing enforcement procedures; providing for greater access to public records; changing registration requirement; amending Minnesota Statutes 1974, Sections 386.62; 386.66; 386.68; 386.70; 386.71; and Chapter 386, by adding sections.

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

H. F. No. 789: A bill for an act relating to real estate; instruments of conveyance; recording requirements; providing that instruments of conveyance include name and address of grantee to whom tax statement should be sent; amending Minnesota Statutes 1974, Section 507.092, Subdivision 1.

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

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

H. F. No. 795: A bill for an act relating to Chisago county; requiring the Chisago county attorney to prosecute misdemeanors occurring within municipalities in Chisago county; providing for the disposition of fines.

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

H. F. No. 1423: A bill for an act relating to the Minnesota Statutes; providing for publication thereof; amending Minnesota Statutes 1974, Section 648.31, Subdivisions 1 and 3; and 648.45, Subdivision 4.

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

Page 1, line 15, strike "annual"

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

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

H. F. No. 720: A bill for an act relating to district courts; providing for the appointment and compensation of law clerks.

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

Page 1, line 7, strike *"Notwithstanding"*

Page 1, line 8, strike *"any other law to the contrary,"*

Page 1, line 12, strike *"two"* and insert *"a"*

Page 1, line 12, strike *"clerks to hold office"* and insert *"clerk for every three judges and additional fraction of three judges of the judicial district"*

Page 1, line 13, strike *"during the pleasure of the judges"*

Page 1, line 14, strike *"with the approval of the county"*

Page 1, line 15, strike *"board of each of the counties involved,"*

Page 1, line 19, after *"clerk"* insert *"not to exceed \$15,000 per year without the approval of the county board of each of the counties involved"*

Page 2, after line 11, insert:

"Sec. 2. [SUPERSEDED LAWS.] Any other law not repealed by section 3 that provides for the employment of law clerks by district judges in judicial districts other than the second and fourth is superseded only to the extent it provides fewer clerks than provided by section 1.

Sec. 3. [REPEALER.] Laws 1967, Chapter 355, Section 1 as amended by Laws 1974, Chapter 189, Section 1, is repealed."

Amend the title as follows:

Page 1, line 3, before the period insert *"; providing for the sharing of such costs among the several counties of the district; amending Minnesota Statutes 1974, Chapter 484, by adding a section; repealing Laws 1967, Chapter 355, Section 1, as amended"*

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

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

H. F. No. 605: A bill for an act relating to highway traffic regulations; driving under the influence of drugs or alcoholic beverages; prohibiting driving under the influence of a controlled substance; providing penalties; amending Minnesota Statutes 1974, Section 169.121, Subdivision 1.

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

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

Page 1, line 20, strike *"any drug or other substance"*

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. 685: A bill for an act relating to real estate; providing for the extent of a lien; amending Minnesota Statutes 1974, Section 514.03, Subdivision 3.

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

Page 1, line 10, strike "40" and insert "80"

Page 1, lines 10 to 11, strike the new language

And when so amended the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

S. F. No. 1700: A bill for an act relating to crimes; prescribing penalties for certain acts relating to the crime of prostitution; providing minimum sentences for certain felonies relating to soliciting another to practice prostitution; prescribing penalties; amending Minnesota Statutes 1974, Sections 609.11, by adding a subdivision; and 609.32, Subdivisions 2, 3, and 4, and by adding a subdivision.

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

Page 1, line 17, after "and" insert "*if the defendant has been previously convicted of this crime*"

Page 3, after line 26, insert:

"Sec. 6. [EFFECTIVE DATE.] *This act is effective on the day following its final enactment.*"

And when so amended the bill do pass. Pursuant to Joint Rule 20, the bill was re-referred to the Committee on Rules and Administration.

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

H. F. No. 1309: A bill for an act relating to the operation of state government; authorizing the commissioner of administration to establish on a demonstration basis a regional service center comprising selected state agencies and to enter into a lease for purposes of acquiring suitable space for the center.

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

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

H. F. Nos. 1020, 1107, 619 and 216 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.
1020	986				
1107	1115				
619	881				
216	134				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1020 be amended as follows:

Page 1, line 7, after "1." insert "Subdivision 1."

Page 1, line 8, strike "acquire by" and insert "lease for \$1 per year and operate"

Page 1, strike lines 9 to 21

Page 1, line 22, strike "to the acquisition or lease of"

Page 1, line 23, strike "by the county of Hennepin, such" and insert a period

Page 2, line 1, strike "negotiation shall include" and insert "The lease shall run until July 1, 1977 and"

Page 2, line 1, strike "as to" and insert "between the county and the city of Minneapolis shall be entered into which states"

Page 3, line 14, strike "2" and insert "1"

Renumber the sections in sequence

Further amend the title as follows:

Page 1, line 3, strike "acquire" and insert "lease"

And when so amended, H. F. No. 1020 will be identical to S. F. No. 986 and further recommends that H. F. No. 1020 be given its second reading and substituted for S. F. No. 986 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1107 be amended as follows:

Page 2, line 16, after "Statutes" insert "1974"

And when so amended, H. F. No. 1107 will be identical to S. F. No. 1115 and further recommends that H. F. No. 1107 be given its second reading and substituted for S. F. No. 1115 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 619 be amended as follows:

Page 1, line 14, delete "directly or indirectly"

Page 2, lines 6 and 7 delete "At the time of initial contact or communication and"

Page 2, line 8, delete "of the potential buyer," and after "shall" insert ", at the time of initial contact or communication with the potential buyer,"

Page 2, line 13, after "sell the" insert "identified"

Page 2, line 18, after the period insert "Non-profit organizations are exempt from the requirement of showing identification cards."

And when so amended, H. F. No. 619 will be identical to S. F. No. 881 and further recommends that H. F. No. 619 be given its second reading and substituted for S. F. No. 881 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 216 be amended as follows:

Page 2, delete lines 33 and 34 and insert:

"Sec. 2. Minnesota Statutes 1974, Section 291.005, is amended to read:

291.005 [DEFINITIONS.] *Subdivision 1.* Unless the context otherwise clearly requires, the following terms used in this chapter shall have the following meanings:

~~(1) "Representative" means and includes all executors of the will of a decedent and all administrators of any description, whether general or special, of a decedent's estate to whom letters are issued by a probate court of this state.~~

~~(2) (1) "Probate Assets" means and includes all property of owned by a decedent at the time of his death required by chapter 525 section 524.3-706 to be listed on a personal representative's inventory in a case where administration is to be had in a probate court of this state and appraisalment .~~

~~(3) (2) "Non-Probate Assets" means and includes all property of every kind transferred from a decedent or at or by reason of the decedent's death which is subject to the inheritance tax imposed by this chapter (without regard to deductions or exemptions) and which does not consist of probate assets.~~

~~(4) (3) "Commissioner" means and refers to the commissioner of revenue of this state or any person or body within the state department of revenue to whom he may have delegated his functions under this chapter.~~

~~(5) (4) "Dependent child" means a natural child of the decedent, or a child adopted by the decedent who is incapable of furnishing his own support by reason of a physical or mental ailment, illness or deformity. The commissioner may request verification of the physical or mental condition of the child before allowing the exemptions and rates applicable to a dependent child under this chapter.~~

~~(6) (5) "Stepchild" means a child who is not the decedent's~~

natural or adopted child but is the natural or adopted child of the decedent's surviving or deceased spouse.

Subd. 2. The definitions set forth in section 524.1-201, wherever appropriate to the administration of the provisions of chapter 291 are incorporated by reference.

Sec. 3. Minnesota Statutes 1974, Section 291.07, is amended to read:

291.07 [DEDUCTIONS.] Subdivision 1. In determining the tax imposed by section 291.01, where the estate has been submitted to the jurisdiction of the probate court, the following deductions shall be allowed if approved by the court in a formal proceeding :

(1) funeral expenses

(2) probate administration expenses, including but not limited to expenses incurred during administration in converting real and personal property held by the estate into cash

(3) expenses of last illness unpaid at death

(4) valid claims against the decedent which have been properly filed and allowed as such by the probate court and duly paid

(5) family maintenance to the extent provided by section 291.10

(6) value of personal property to the extent of the amount allowed under the provisions of section 525.15

(7) federal estate taxes determined as follows:

(a) the value of the net estate taxable in Minnesota reduced by the deduction allowable for transfer for public, charitable and religious use as prescribed by Internal Revenue Code, Section 2055 and by the marital deduction as prescribed by Internal Revenue Code, Section 2056, shall be the numerator of a fraction;

(b) the denominator of the fraction shall be the value of the net estate everywhere reduced by the same class of deductions allowable in subparagraph (a) above;

(c) the ratio of the fraction so derived shall be multiplied by the federal estate tax due and payable to the United States Treasury.

(d) for purposes of this clause, the net estate is defined as the gross value of the estate on the applicable valuation date reduced by any unpaid mortgages on, or any indebtedness in respect of, property where the decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate.

(8) other taxes which have accrued and are a lien on property in the estate at the time of death

(9) reasonable fees for legal or fiduciary services incident to non-probate assets

(10) Minnesota and federal income taxes on "income in respect of a decedent," as computed under subdivision 3."

Page 4, delete lines 16 to 22 and insert:

"Sec. 4. Minnesota Statutes 1974, Section 291.07, is amended by adding a subdivision to read:

Subd. 2a. Subject to approval by the commissioner, the deductions set forth in subdivision 1 of this section shall be allowed where the estate has been submitted to the jurisdiction of the court and the deductions taken have not been approved by the court in a formal proceeding. The deductions taken shall be submitted to the commissioner prior to the closing of the estate. The deductions so claimed thereafter shall be allowed unless the commissioner objects to any deduction so claimed in the manner provided by section 291.09, subdivision 2.

Sec. 5. Minnesota Statutes 1974, Section 291.09, Subdivision 1, is amended to read:

291.09 [DETERMINATION OF TAX.] Subdivision 1. (a) Every *personal* representative at the time of filing with the probate court a verified inventory and appraisal of the probate assets of the decedent as prescribed in chapter 525 shall submit to the court shall submit to the commissioner a copy of the inventory and appraisal prepared by him in accordance with sections 524.3-706 to 524.3-708 relating to such inventory and appraisal, and a true and complete schedule of non-probate assets, on a form prescribed by the commissioner.

(b) Every *personal* representative shall file with the commissioner, on a form prescribed by the commissioner, an inheritance tax return showing the values contained in the inventory and appraisal and schedule of non-probate assets and deductions and exemptions claimed by the representative, and containing a computation of the inheritance tax due under the provisions of this chapter. The representative shall file a true copy of such return with the probate court.

(c) Except as hereinafter provided, such inheritance tax return shall be conclusive as to the valuation of both probate and non-probate assets, to all other matters relating to the taxability of probate assets, and to the computation of the tax, unless, within 90 days after such filing, the commissioner, or any other person from whom any portion of such tax is due, has filed with the personal representative or any other person from whom any portion of such tax is due has filed with the probate court written objections to any such matter reflected in such return. Upon the filing of such objections, the probate court shall fix the time and place of a hearing thereon and shall give 30 days mailed notice thereof to the commissioner, to the representative and to each person from whom any portion of such tax is due. At such hearing the court shall hear such objections and shall make its order determining the matter so objected to and with the commissioner if the person objecting is one other than a personal representative, written objections to any such matter. Except as provided in clause (f) of this subdivision, upon objection the commissioner shall fix the time and place of a hearing thereon no earlier than ten

days subsequent to the date of such filing of objection and no later than 30 days subsequent thereto. At such hearing the commissioner shall consider all available material submitted by the personal representative for the purpose of substantiating or verifying the matters subject to the objections. Not later than 30 days after such hearing, the commissioner shall issue an order indicating the adjustment, if any, of the computation of the inheritance tax due.

(d) If the probate court upon a hearing on a representative's account allows a deduction different in amount than that used in the determination of the inheritance tax return as provided in the preceding subparagraph (b), or if the probate court in its decree assigning the property determines :

(i) assigns such property passes to a person or persons other than the person or persons reported on the inheritance tax return; or

(ii) distributes such property passes to the person or persons reported on the inheritance tax return in amounts or shares different than those reported thereon; or

(iii) determines the relationship between the decedent and any person to whom property is assigned as passes is other than the relationship reported on the inheritance tax return,

the commissioner not later than 90 days after receipt of a copy of the court's order or decree adjusting, settling or allowing the account or assigning the property may issue an order adjusting the computation of the inheritance tax due in accordance therewith.

(e) The probate court may waive the filing of any inheritance tax return required by subparagraph (b) where it appears that no inheritance tax is due, but such waiver shall not limit the right of the commissioner to file a return pursuant to subdivision 3 hereof.

(f) *In the event objections have been filed as provided in clause (c) of this subdivision, the personal representative or any other objector, in lieu of the hearing prescribed in said clause (c) or subsequent to such hearing, may elect to have a formal proceeding under chapter 524 to determine the disputed matters.*

(g) *Any determination made by the commissioner may be appealed to the Minnesota tax court as provided in section 271.09.*

Sec. 6. Minnesota Statutes 1974, Section 291.14, Subdivision 1, is amended to read:

291.14 [INHERITANCE TAX A LIEN UPON PROPERTY.]
Subdivision 1. Every tax imposed by this chapter shall be a lien upon the property embraced in any inheritance, devise, bequest, legacy, or gift until paid, and the person to whom such property is transferred shall be personally liable for such tax, until its payment, to the extent of the value of such property. No such lien shall be enforced against real property, included in the probate estate, unless the state shall assert the same by filing a statement of its lien in the office of the register of deeds or registrar of titles in the county wherein such real estate may be situated, within ten

years after the date of any final decree or order of distribution which may be entered in the estate involved.

Sec. 7. Minnesota Statutes 1974, Section 291.14, is amended by adding subdivisions to read:

Subd. 3. (1) Where an order approving distribution of property is not issued by the court, any tax due on the transfer of such property or interest to a devisee or to heirs who are entitled under the statutes of intestate succession shall be a lien upon such property until the tax imposed by chapter 291 is paid.

(2) No such lien shall be enforced against real property subject to the provisions of clause (1) of this subdivision unless the state shall assert the same by filing a statement of such lien in the office of the register of deeds or the registrar of titles in the county wherein such real estate may be situated within ten years from the date of recording a copy of the death record of the testate or intestate decedent, as the case may be, together with a statement by the commissioner acknowledging receipt of an inventory and appraisal listing such real property.

(3) Where the tax on property subject to the provisions of this subdivision has been paid, or if there be deposited with the commissioner a sum of money in an amount equal to the tax which, in the judgment of the commissioner may be due upon the transfer of such property, or if there be no tax required to be paid, the commissioner shall certify on an affidavit prescribed by him or instrument of conveyance that the lien for inheritance tax has been satisfied or has been waived, as the case may be. The affidavit or instrument of conveyance so certified may be recorded as are other instruments affecting the title to real estate.

Subd. 4. The lien of the state for inheritance taxes payable by a personal representative shall not extend to any right acquired by a bona fide purchaser, mortgagee, or lessee through any conveyance made by such personal representative, provided that such personal representative delivers to the register of deeds or registrar of titles, as the case may be, a declaration that the property described therein has been sold to a bona fide purchaser, or has been mortgaged or leased, as the case may be. The declaration so submitted shall have attached thereto a certified copy of letters evidencing the appointment of such personal representative. The register of deeds or registrar of titles shall submit a copy of such declaration to the commissioner at his office in St. Paul, Minnesota, without any requirement that the statements made therein by such personal representative have been verified.

Sec. 8. Minnesota Statutes 1974, Section 502.71, is amended to read:

502.71 [EFFECT OF DEED.] When the donee of a power of appointment makes a deed or a will purporting to transfer all of his property, the property covered by the power is included in such transfer unless it be shown that the donee did not so intend."

Page 5, after line 6 insert:

"Sec. 10. Minnesota Statutes 1974, Section 508.22, is amended to read:

508.22 [DECREE OF REGISTRATION; EFFECT.] If, after hearing, the court finds the applicant has a title proper for registration, whether as stated in his application or otherwise, it shall make and file its decree therein, confirming the title of the applicant and ordering the registration thereof. Except as herein otherwise provided, every decree of registration shall bind the land described therein, forever quiet the title thereto, and be forever binding and conclusive upon all persons, whether mentioned by name in the summons, or included in the phrase, "all other persons or parties unknown claiming any right, title, estate, lien, or interest in the real estate described in the application herein," and such decree shall not be opened, vacated, or set aside by reason of the absence, infancy, or other disability of any person affected thereby, nor by any proceeding at law or in equity for opening, vacating, setting aside, or reversing judgments and decrees, except as herein especially provided. The decree shall forever determine, bind, and conclude all the right, title, interest, estate, or lien in the land described therein of the husband or wife of any defendant acquired or growing out of the marriage relation in like manner as if such husband or wife had been expressly named in the decree.

No decree of registration to property wherein the title is based upon a transfer from a decedent whose death occurred after January 1, 1976 shall be entered until the commissioner of revenue has been duly notified thereof and has been granted an opportunity to appear in such action, unless the tax imposed by chapter 291 has been paid, or the lien prescribed by section 291.14 has been duly waived."

Page 15, line 11, strike "applies" and insert "*and chapter 525 apply*"

Page 15, line 13, restore the stricken language and delete "*non-resident*"

Page 15, line 14, delete "*decedents*"

Page 17, delete lines 14 to 17 and insert:

"by publishing at least once a week for three consecutive weeks, a copy thereof in a legal newspaper having general circulation in the county where the hearing is to be held, the last publication of which is to be at least 10 days"

Page 22, line 1 delete "*A beneficial devise made in a will*"

Page 22, delete lines 2 to 8

Page 37, lines 2 and 3 reinstate the stricken "*to which the demand relates*"

Page 37, line 5, delete "*for an order or filing to which the demand relates*"

Page 43, lines 9 and 10, delete "*a week for three successive weeks*"

Page 43, line 25, delete "*a week for three successive weeks*"

Page 43, delete lines 29 to 31

Page 47, line 26, delete "*a week for three consecutive weeks*"

Page 47, line 29, the words "*If the decedent was*" should begin a new paragraph

Page 58, line 27, delete the new language

Page 58, line 28, delete the new language

Page 60, line 13, delete "*registrar and*"

Page 60, line 23, after "*and*" insert "*in a supervised administration*" and restore the stricken language

Page 60, line 25, delete "*or registrar*"

Page 81, line 32, before "*UNCLAIMED*" insert "*DISPOSITION OF*"

Page 85, line 5, delete "*inheritance*" and insert "*state estate*" and delete "*imposed*" and insert "*determined*"

Page 89, line 30, delete "*(a)*"

Page 90, line 10, delete "*(a)*"

Page 90, line 16, delete "*(a)*"

Page 95, lines 23 and 24, delete "*a week for three successive weeks*"

Page 100, line 9, before "*PROVISIONS*" insert "*TIME OF TAKING EFFECT;*" and restore the stricken language

Page 100, line 10, restore the stricken "*takes effect on*" and after "~~1975~~" insert "*January 1, 1976*"

Page 100, line 11, restore the stricken language

Page 101, restore the stricken lines 7 to 12

Page 103, line 21, delete "*conservatorship or*"

Page 105, lines 26 and 27, delete the new language

Page 106, line 2, delete "*or conservatorships*"

Page 108, line 22, restore the stricken language and delete the comma

Page 110, line 1, after "*in*" insert "*a lump sum not exceeding \$6,000 if the estate is insolvent or \$9,000 if the estate is solvent, or*"

Page 115, line 15, delete the semicolon and insert a period

Page 115, line 23, delete the semicolon and insert a period

Page 122, line 3, delete "*descretion*" and insert "*discretion*"

Page 123, line 14, delete the comma after "name"

Page 126, line 2, delete the new language

Page 126, line 3, delete the new language and insert in lieu thereof "*Part 4 of section 524.3*"

Page 130, delete lines 12 to 32

Page 131, delete lines 1 to 5

Page 138, line 9, restore the stricken language

Page 143, line 23, strike "interlocutory decree" and insert "order"

Page 143, line 24, strike "525.481" and insert "576.142"

Page 144, line 6, strike the semicolon and insert a period

Page 144, delete line 8

Page 144, line 13, delete the comma after "representatives"

Page 147, after line 15 insert the following:

"Sec. 142. Minnesota Statutes 1974, Section 559.013, is amended by adding a subdivision to read:

Subd. 3. No decree to determine adverse claims to property wherein the title is based upon a transfer from a decedent whose death occurred after January 1, 1976 shall be entered until the commissioner of revenue has been duly notified thereof and has been granted an opportunity to appear in such action, unless the tax imposed by chapter 291 has been paid, or the lien prescribed by section 291.14 has been duly waived."

Page 148, line 18, delete "515.182;" and insert "525.182;"

Page 148, line 23, after "525.531;" insert "525.693;"

Renumber the sections in sequence

Further amend the title as follows:

Line 6, after "estates," insert "taxation of inheritances;"

Line 11, before "291.07," insert "291.005;" and after "291.07," delete "Subdivision 2" and insert "and by adding a subdivision"

Line 11, before "502.71;" insert "291.09, Subdivision 1; 291.14, Subdivision 1, and by adding subdivisions;"

Line 11, after "502.71;" insert "508.22;"

Line 34, delete "525.551;"

Line 38, after "541.16;" insert "559.013, by adding a subdivision;"

Line 39, delete "Chapter" and insert "Chapters" and insert a comma after "507"

Line 39, insert a semicolon after "section" and delete "and"

Line 40, delete "Chapters"

Page 2, line 9, after "525.531;" insert "525.693;"

And when so amended, H. F. No. 216 will be identical to S. F. No. 134 and further recommends that H. F. No. 216 be given its second reading and substituted for S. F. No. 134 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 was referred

H. F. Nos. 78 and 1277 for comparison to companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their Second Readings and substituted for their companion Senate Files as follows:

CALENDAR OF					
GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
78	26				
1277	1610				

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.

APPOINTMENTS

Mr. Davies, from the Committee on Committees, recommended that the following named Senators be and they hereby are appointed as a Conference Committee on H. F. No. 1674, pursuant to the request of the House:

Messrs. Perpich, A. J.; Olson, A. G.; Conzemius; Coleman and Blatz.

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

SECOND READING OF SENATE BILLS

S. F. No. 863 was read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1003, 532, 1133, 142, 1127, 1330, 597, 1328, 789, 795, 1423, 720, 605, 1309, 1277, 619, 1107, 1020, 78 and 216 were read the second time.

MOTIONS AND RESOLUTIONS

Messrs. Schrom and McCutcheon introduced—

Senate Resolution No. 23: A senate resolution providing an interim committee to investigate the constitutionality of Federal and State metro regional government.

Referred to the Committee on Local Government.

Mr. Anderson moved that S. F. No. 637 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Anderson moved that the Senate concur in the amendments by the House to S. F. No. 637 and that the bill be placed on its repassage as amended. The motion prevailed.

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, and by adding a subdivision.

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

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

And the roll being called, there were yeas 55, and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Keefe, S.	North	Schmitz
Arnold	Coleman	Kirchner	Ogdahl	Schrom
Ashbach	Conzemius	Kleinbaum	Olhoft	Sillers
Bang	Davies	Kowalczyk	Olson, A. G.	Solon
Berg	Doty	Larson	Olson, H. D.	Spear
Bernhagen	Dunn	Laufenburger	Olson, J. L.	Stassen
Blatz	Fitzsimons	Lewis	O'Neill	Stumpf
Borden	Gearity	McCutcheon	Patton	Tennessen
Brataas	Hanson, R.	Milton	Pillsbury	Ueland
Brown	Hughes	Moe	Purfeerst	Wegener
Chenoweth	Humphrey	Nelson	Renneke	Willet

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Hughes moved that the report from the Committee on Education, reported May 8, 1975, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Hughes moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Hughes moved that in accordance with the report from the Committee on Education, reported May 8, 1975, the Senate, having advised with, do now consent to and confirm the appointment of:

MINNESOTA HIGHER EDUCATION COORDINATING COMMISSION

Gerald Vizenor, 810 Thornton S. E., Minneapolis, Hennepin County, appointed effective February 15, 1975, for a term expiring February 15, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that General Orders be made a Special Orders Calendar for immediate consideration. The motion prevailed.

SPECIAL ORDER

H. F. No. 587: A bill for an act relating to the department of administration; directing the release of certain lands and the conveyance of certain lands in Aitkin county.

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 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Mr. Tennessen moved to amend H. F. No. 308, as amended pursuant to Rule 49, adopted by the Senate April 14, 1975, as follows:

Page 1, line 9, before "The" insert "*Subdivision 1.*"

Page 4, line 7, restore the stricken language

Page 4, line 10, restore the stricken period and strike "and"

Page 4, line 11, strike "(16) The" and insert "*Subd. 2. The board may regulate the*"

Page 4, line 11, after "gatherings" insert "*by the promulgation of rules*"

Page 4, line 18, after the period insert "*No permit, license, or other prior approval shall be required of the board for a mass gathering.*"

Page 4, line 24, strike "section" and insert "*subdivision*"

The motion prevailed. So the amendment was adopted.

H. F. No. 308 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 37 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Hughes	Milton	Spear
Arnold	Coleman	Humphrey	Moe	Stumpf
Bang	Conzemius	Keefe, S.	Nelson	Tennessen
Blatz	Davies	Kleinbaum	North	Wegener
Borden	Doty	Kowalczyk	Pillsbury	Willet
Brataas	Fitzsimons	Laufenburger	Purfeerst	
Brown	Gearty	Lewis	Schmitz	
Chenoweth	Hansen, Mel	McCutcheon	Sillers	

Those who voted in the negative were:

Ashbach	Hansen, Baldy	Larson	Olson, H. D.	Renneke
Berg	Hanson, R.	Olhoff	Olson, J. L.	Schrom
Bernhagen	Josefson	Olson, A. G.	Patton	Stassen
Dunn				

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

SPECIAL ORDER

H. F. No. 899: A bill for an act relating to highways; county state-aid highway system; allocations; authorizing money credited to the municipal account to be used, under certain conditions, on other county state-aid highways outside the limits of cities having a population of less than 5,000; amending Minnesota Statutes 1974, Section 162.08, 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Mr. Moe moved to amend H. F. No. 264 as follows:

Page 1, line 9, strike "shall" and insert "may"

The motion prevailed. So the amendment was adopted.

H. F. No. 264 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 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H. F. No. 666: A bill for an act relating to the city of Minneapolis; authorizing housing finance program; providing for the issuance of limited general obligation bonds.

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 3, as follows:

Those who voted in the affirmative were:

Arnold	Chmielewski	Hughes	Lewis	Renneke
Bang	Coleman	Humphrey	McCutcheon	Schmitz
Berg	Conzemius	Josefson	Nelson	Schrom
Bernhagen	Doty	Keefe, S.	North	Spear
Blatz	Fitzsimons	Kirchner	Ogdahl	Stassen
Borden	Gearty	Kleinbaum	Olhoft	Stumpf
Brataas	Hansen, Baldy	Knutson	Olson, J. L.	Ueland
Brown	Hansen, Mel	Larson	O'Neill	Wegener
Chenoweth	Hanson, R.	Laufenburger	Patton	Willet

Messrs. Davies, Pillsbury and Tennessen voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1156: A bill for an act authorizing the city of Duluth to negotiate contracts for maintenance of city parks and public works under terms and conditions as will promote the employment of needy elderly citizens; limiting the amount of total annual compensation for individuals under such contracts.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Coleman	Humphrey	Nelson	Schrom
Ashbach	Conzemius	Josefson	North	Solon
Bang	Davies	Keefe, J.	Ogdahl	Spear
Berg	Doty	Kirchner	Olhoft	Stassen
Bernhagen	Fitzsimons	Kleinbaum	Olson, J. L.	Stumpf
Blatz	Gearty	Knutson	O'Neill	Tennessen
Borden	Hansen, Baldy	Larson	Patton	Ueland
Brown	Hansen, Mel	Laufenburger	Pillsbury	Wegener
Chenoweth	Hanson, R.	Lewis	Renneke	Willet
Chmielewski	Hughes	McCutcheon	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

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	Conzemius	Keefe, J.	Nelson	Sillers
Arnold	Davies	Keefe, S.	North	Spear
Berg	Doty	Kirchner	Olhoft	Stumpf
Bernhagen	Dunn	Knutson	Olson, A. G.	Tennessen
Blatz	Fitzsimons	Kowalczyk	Olson, H. D.	Ueland
Borden	Frederick	Larson	Olson, J. L.	Wegener
Brataas	Hansen, Mel	Laufenburger	Patton	Willet
Brown	Hanson, R.	Lewis	Pillsbury	
Chenoweth	Hughes	McCutcheon	Renneke	
Chmielewski	Humphrey	Merriam	Schmitz	
Coleman	Josefson	Moe	Schrom	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1422: A bill for an act relating to highways; adding an additional leg or alternative route to the highway route designated as the Voyageur highway; amending Minnesota Statutes 1974, Section 161.14, Subdivision 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 52 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	Brown	Dunn	Hansen, Mel
Arnold	Blatz	Chenoweth	Fitzsimons	Hanson, R.
Bang	Borden	Chmielewski	Frederick	Hughes
Berg	Brataas	Davies	Hansen, Baldy	Humphrey

Josefson	Larson	Nelson	Renneke	Tennessee
Keefe, J.	Laufenburger	North	Schmitz	Ueland
Keefe, S.	Lewis	Olhoft	Schrom	Wegener
Kirchner	McCutcheon	Olson, H. D.	Sillers	Willet
Kleinbaum	Merriam	Olson, J. L.	Spear	
Knutson	Milton	O'Neill	Stassen	
Kowalczyk	Moe	Patton	Stumpf	

Messrs. Ashbach; Olson, A. G. and Pillsbury voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 276: A bill for an act relating to agriculture; dairy industry unfair trade practices; amending Minnesota Statutes 1974, Sections 32A.05, Subdivision 4; 32A.06, Subdivision 1; 32A.07; and 32A.09, Subdivision 6.

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 8, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Hughes	Laufenburger	Patton
Ashbach	Coleman	Humphrey	Moe	Pillsbury
Bang	Conzemius	Josefson	North	Schmitz
Berg	Dunn	Keefe, J.	Ogdahl	Sillers
Bernhagen	Fitzsimons	Kirchner	Olhoft	Stassen
Blatz	Frederick	Kleinbaum	Olson, A. G.	Wegener
Borden	Gearty	Knutson	Olson, H. D.	Willet
Brataas	Hansen, Baldy	Kowalczyk	Olson, J. L.	
Brown	Hanson, R.	Larson	O'Neill	

Those who voted in the negative were:

Davies	Lewis	Merriam	Stumpf	Tennessee
Hansen, Mel	McCutcheon	Renneke		

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1160: A bill for an act relating to bicentennial projects; authorizing governmental units to furnish services, property and money in connection with bicentennial projects; validating prior expenditures.

Mr. Laufenburger moved to amend H. F. No. 1160, as amended pursuant to Rule 49, adopted by the Senate April 19, 1975, as follows:

Page 2, line 4, strike "in excess of" and insert "within"

Page 2, line 5, strike "any"

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

H. F. No. 1160 was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 42 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Josefson	Ogdahl	Schmitz
Arnold	Dunn	Keefe, J.	Olhoff	Schrom
Ashbach	Fitzsimons	Kleinbaum	Olson, H. D.	Sillers
Bang	Frederick	Knutson	Olson, J. L.	Solon
Berg	Hansen, Baldy	Kowalczyk	O'Neill	Stassen
Bernhagen	Hansen, Mel	Laufenburger	Patton	Ueland
Blatz	Hanson, R.	Lewis	Pillsbury	
Brataas	Hughes	Nelson	Purfeerst	
Brown	Humphrey	North	Renneke	

Those who voted in the negative were:

Borden	Conzemius	Kirchner	Olson, A. G.	Tennessen
Chenoweth	Davies	McCutcheon	Spear	Wegener
Coleman	Doty	Milton	Stumpf	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 434: A bill for an act relating to agriculture; local pest control; amending Minnesota Statutes 1974, Section 18.022, Subdivision 1, and by adding a subdivision; and Chapter 18 by adding a section.

Mr. Conzemius moved to amend H. F. No. 434 as follows:

Page 2, after line 15, insert:

"Sec. 4. Minnesota Statutes 1974, Section 18.55, Subdivision 2, is amended to read:

Subd. 2. [FILING OUT-OF-STATE CERTIFICATES OF INSPECTION.] Each out-of-state nurseryman or dealer whose nursery stock is sold, offered for sale, or distributed within this state shall file a certified current copy of his out-of-state certificate in the office of the commissioner. ~~Such filed certificate is void if said person has violated any provisions of the plant pest act. The commissioner may accept, in lieu of such individual certificates, a certified list of current certified nurserymen or dealers from the regulatory agency having jurisdiction in the state of origin, and may distribute such lists to persons in the state of Minnesota requesting them. The commissioner also may supply certified lists of certified Minnesota nurserymen and dealers offering nursery stock for sale in Minnesota and other states on request of any person. If any certified nurseryman or dealer has violated any provisions of the plant pest act, his filed certificate will be voided or his name will be stricken from the appropriate certified list.~~

Page 2, line 16, after "sec." strike "4" and insert "5"

Further amend the title as follows:

Line 2, after "control;" insert "regulating the sale of nursery stock by out-of-state nurserymen; requiring certificates of inspection; providing reciprocity with other states;"

Line 3, strike "Section" and insert "Sections"

Line 4, after "subdivision;" insert "18.55, Subdivision 2;"

The motion prevailed. So the amendment was adopted.

H. F. No. 434 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S. F. No. 886: A bill for an act relating to commerce; interest rates on money; requiring a forfeiture of interest on usurious contracts; providing for recovery of an amount equal to twice the amount of interest paid on an usurious contract; amending Minnesota Statutes 1974, Sections 334.02; 334.03; and 334.05.

Mr. Hansen, Baldy moved to amend S. F. No. 886 as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Chapter 334, is amended by adding a section to read:

[334.055] [FINANCIAL INSTITUTIONS USURIOUS INTEREST; RECOVERY.] *Any financial institution as defined in section 47.015, subdivision 1, or a mortgage bank who directly or indirectly takes or receives interest on any loan or forbearance of money, goods, or things in action, in excess of what is permitted by law, shall forfeit the entire interest which the loan or forbearance carries with it and shall be liable to the debtor for an amount equal to twice the amount of interest paid by the debtor. This section shall not apply to bona fide purchasers of negotiable paper. Any loan or forbearance which is subject to this section is not subject to the provisions of sections 334.02, 334.03 and 334.05."*

Further, amend the title as follows:

Page 1, line 2, strike "interest rates on money;"

Page 1, strike line 3

Page 1, line 4, strike "contracts;"

Page 1, line 6, after "contract" insert "held by financial institutions"

Page 1, line 7, strike "Sections 334.02; 334.03; and 334.05" and insert "Chapter 334, by adding a section"

The motion prevailed. So the amendment was adopted.

S. F. No 886: A bill for an act relating to commerce; providing for recovery of an amount equal to twice the amount of interest paid on an usurious contract held by financial institutions; amending Minnesota Statutes 1974, Chapter 334, by adding a section.

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 35 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Hughes	Moe	Patton
Arnold	Doty	Humphrey	Nelson	Pillsbury
Bang	Fitzsimons	Josefson	North	Purfeerst
Berg	Frederick	Keefe, J.	Ogdahl	Schmitz
Bernhagen	Gearty	Kleinbaum	Olson, H. D.	Schrom
Borden	Hansen, Baldy	Larson	Olson, J. L.	Ueland
Brown	Hanson, R.	Laufenburger	O'Neill	Wegener

Those who voted in the negative were:

Ashbach	Davies	Kowalczyk	Milton	Spear
Blatz	Dunn	Lewis	Olhoft	Stumpf
Brataas	Hansen, Mel	McCutcheon	Olson, A. G.	Tennessen
Chenoweth	Knutson	Merriam	Sillers	Willet

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

SPECIAL ORDER

H. F. No. 864: A bill for an act relating to retirement; actuarial valuations and experience studies of various public retirement funds; amending Minnesota Statutes 1974, Chapter 356, by adding a section; and Sections 356.20, Subdivisions 2 and 4; 356.22, Subdivisions 1 and 3; and 356.23; repealing Minnesota Statutes 1974, Sections 356.21; 356.211; and 356.212.

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 0, as follows:

Those who voted in the affirmative were:

Arnold	Davies	Keefe, J.	Moe	Renneke
Ashbach	Doty	Kirchner	Nelson	Schmitz
Bang	Dunn	Kleinbaum	North	Schrom
Berg	Fitzsimons	Knutson	Ogdahl	Sillers
Bernhagen	Frederick	Kowalczyk	Olhoft	Spear
Blatz	Gearty	Larson	Olson, A. G.	Stassen
Borden	Hansen, Mel	Laufenburger	Olson, J. L.	Stumpf
Brataas	Hanson, R.	Lewis	O'Neill	Tennessen
Brown	Hughes	McCutcheon	Patton	Ueland
Chenoweth	Humphrey	Merriam	Pillsbury	Wegener
Chmielewski	Josefson	Milton	Purfeerst	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 927: A bill for an act relating to fiduciaries; authorizing deposit of certain securities with the federal reserve bank under certain conditions; amending Minnesota Statutes 1974, Chapter 520, 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 55 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, J.	Moe	Renneke
Arnold	Dunn	Kirchner	Nelson	Schmitz
Berg	Fitzsimons	Kleinbaum	North	Schrom
Bernhagen	Frederick	Knutson	Ogdahl	Sillers
Blatz	Gearty	Kowalczyk	Olhoft	Spear
Brataas	Hansen, Baldy	Larson	Olson, H. D.	Stassen
Brown	Hansen, Mel	Laufenburger	Olson, J. L.	Stumpf
Chenoweth	Hanson, R.	Lewis	O'Neill	Tennessee
Chmielewski	Hughes	McCutcheon	Patton	Ueland
Coleman	Humphrey	Merriam	Pillsbury	Wegener
Davies	Josefson	Milton	Purfeerst	Willet

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1238: A bill for an act relating to Lincoln county; authorizing Lincoln county to perform or contract for the performance of weather modification activities.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 38 and nays 16, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Kleinbaum	Ogdahl	Renneke
Berg	Hansen, Mel	Knutson	Olhoft	Schmitz
Blatz	Hanson, R.	Larson	Olson, A. G.	Sillers
Brataas	Hughes	Laufenburger	Olson, H. D.	Spear
Chmielewski	Humphrey	Merriam	Olson, J. L.	Ueland
Dunn	Josefson	Moe	O'Neill	Wegener
Fitzsimons	Keefe, J.	Nelson	Patton	
Frederick	Kirchner	North	Purfeerst	

Those who voted in the negative were:

Anderson	Chenoweth	Doty	Milton	Stumpf
Bernhagen	Coleman	Lewis	Pillsbury	Tennessee
Borden	Davies	McCutcheon	Schrom	Willet
Brown				

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

CALL OF THE SENATE

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

Anderson	Conzemius	Hughes	Moe	Renneke
Ashbach	Davies	Humphrey	Nelson	Schmitz
Berg	Doty	Josefson	North	Schrom
Bernhagen	Dunn	Keefe, J.	Ogdahl	Solon
Blatz	Fitzsimons	Keefe, S.	Olson, A. G.	Spear
Borden	Frederick	Kirchner	Olson, H. D.	Stassen
Brataas	Gearty	Kleinbaum	O'Neill	Stumpf
Brown	Hansen, Baldy	Knutson	Patton	Tennesen
Chenoweth	Hansen, Mel	Laufenburger	Pillsbury	Willet
Chmielewski	Hanson, R.	Milton	Purfeerst	

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

S. F. No. 840 was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 44 and nays 15, as follows:

Those who voted in the affirmative were:

Arnold	Conzemius	Humphrey	Lewis	Schmitz
Ashbach	Davies	Keefe, J.	McCutcheon	Solon
Bang	Doty	Keefe, S.	Milton	Spear
Blatz	Dunn	Kirchner	Moe	Stassen
Borden	Fitzsimons	Kleinbaum	Nelson	Stumpf
Brataas	Gearty	Knutson	North	Tennesen
Brown	Hansen, Mel	Kowalczyk	Ogdahl	Ueland
Chenoweth	Hanson, R.	Larson	O'Neill	Wegener
Coleman	Hughes	Laufenburger	Pillsbury	

Those who voted in the negative were:

Anderson	Chmielewski	Josefson	Olson, J. L.	Renneke
Berg	Frederick	Olson, A. G.	Patton	Schrom
Bernhagen	Hansen, Baldy	Olson, H. D.	Purfeerst	Willet

So the bill passed and its title was agreed to.

RECESS

Mr. Coleman moved that the Senate do now recess until 1:35 o'clock p.m. The motion prevailed.

The hour of 1:35 o'clock p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

Arnold	Doty	Keefe, S.	North	Schrom
Berg	Dunn	Kirchner	Olhofs	Solon
Bernhagen	Frederick	Kleinbaum	Olson, A. G.	Spear
Borden	Gearty	Knutson	Olson, H. D.	Stassen
Brown	Hansen, Baldy	Kowalczyk	O'Neill	Stumpf
Chenoweth	Hansen, Mel	Lewis	Patton	Tennessee
Chmielewski	Hanson, R.	McCutcheon	Pillsbury	Willet
Conzemius	Hughes	Merriam	Purfeerst	
Davies	Humphrey	Milton	Schmitz	

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

SPECIAL ORDER

H. F. No. 493: 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.

Mr. Doty moved to amend H. F. No. 493, as amended pursuant to Rule 49, adopted by the Senate April 24, 1975, as follows:

Page 9, line 20, after "therefrom" insert "; provided, however, that a supplier may sell motor vehicle fuel at a lower price to dealers if the lower price is necessary to meet retail price competition in the particular geographic area "

The motion prevailed. So the amendment was adopted.

Mr. Doty then moved to amend H. F. No. 493, as amended pursuant to Rule 49, adopted by the Senate April 24, 1975, as follows:

Page 9, after the last line of the bill, insert:

"Sec. 10. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

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

Arnold	Davies	Josefson	Moe	Schmitz
Ashbach	Doty	Keefe, J.	Nelson	Schrom
Bang	Dunn	Keefe, S.	North	Sillers
Berg	Fitzsimons	Kirchner	Olhofs	Solon
Bernhagen	Frederick	Kleinbaum	Olson, H. D.	Spear
Blatz	Gearty	Knutson	O'Neill	Stassen
Brataas	Hansen, Baldy	Kowalczyk	Patton	Stumpf
Brown	Hansen, Mel	Larson	Perpich, G.	Tennessee
Chmielewski	Hanson, R.	Laufenburger	Pillsbury	Ueland
Coleman	Hughes	Merriam	Purfeerst	Wegener
Conzemius	Humphrey	Milton	Renneke	Willet

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

H. F. No. 493 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 13 and nays 40, as follows:

Those who voted in the affirmative were:

Coleman	Gearty	Merriam	Solon	Ueland
Davies	Hansen, Mel	North	Spear	
Doty	Keefe, S.	Schmitz	Stumpf	

Those who voted in the negative were:

Arnold	Chmielewski	Kleinbaum	Ogdahl	Pillsbury
Ashbach	Dunn	Knutson	Olhoft	Purfeerst
Berg	Fitzsimons	Kowalczyk	Olson, A. G.	Renneke
Bernhagen	Frederick	Larson	Olson, H. D.	Schrom
Blatz	Hansen, Baldy	Laufenburger	Olson, J. L.	Sillers
Borden	Hanson, R.	Lewis	O'Neill	Tennessen
Brataas	Josefson	Moe	Patton	Wegener
Brown	Keefe, J.	Nelson	Perpich, G.	Willet

So the bill failed to pass.

SPECIAL ORDER

H. F. No. 490: 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.

Mr. Spear moved to amend H. F. No. 490 as follows:

Page 1, line 15, before the period insert "*, subdivision 1*"

The motion prevailed. So the amendment was adopted.

H. F. No. 490 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 42 and nays 12, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Larson	Olhoft	Stassen
Bang	Gearty	Laufenburger	Olson, A. G.	Stumpf
Borden	Hansen, Mel	Lewis	Olson, H. D.	Tennessen
Brown	Hanson, R.	McCutcheon	O'Neill	Ueland
Chenoweth	Hughes	Merriam	Perpich, G.	Wegener
Chmielewski	Humphrey	Milton	Pillsbury	Willet
Coleman	Keefe, S.	Moe	Purfeerst	
Conzemius	Kleinbaum	Nelson	Schmitz	
Davies	Kowalczyk	North	Spear	

Those who voted in the negative were:

Berg	Hansen, Baldy Knutson	Patton	Schrom
Bernhagen	Josefson	Olson, J. L.	Renneke
Frederick	Keefe, J.		Sillers

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

SPECIAL ORDER

H. F. No. 593: A bill for an act relating to retirement; computation of legislative annuities; mandatory age for legislative employees; 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.03, Subdivision 2; 3A.04, Subdivisions 1 and 2; 3A.05; and 3A.10, Subdivision 1; 43.051, Subdivision 1; 352.01, Subdivision 17; 352.03, Subdivisions 4, 11, and 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 a subdivision; 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.

Mr. Chenoweth moved to amend H. F. No. 593 as follows:

Page 32, line 30, strike "and"

Page 32, line 31, after "Subdivision 2;" insert "and 355.301;"

Page 33, after line 22, insert:

"Sec. 53. (1) *The board of trustees of the public employees retirement association may study the feasibility of purchasing or leasing land and constructing a building thereon or of acquiring such land or building pursuant to a lease-purchase agreement for its occupancy and to lease space to other public agencies as an investment of association funds. To this end the board is authorized to retain the services of architectural, real estate, investment and other experts to aid in carrying out the study.*

(2) *The commissioner of administration is authorized to cooperate with the board of trustees in carrying out the study.*

(3) *The board of trustees is authorized to expend not more than \$25,000 to carry out the purposes of this act and such sum is hereby appropriated from the funds of the association, provided such authorization shall terminate May 31, 1976.*

Sec. 54. Laws 1969, Chapter 641, Section 1, is amended by adding a subdivision to read:

Subd. 3. "Member" shall not include any person who is employed by the City of Rochester as a member of the bicycle patrol and who is employed on a seasonal basis."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "law;" insert "authorizing the public employees retirement association to make a feasibility study;"

Page 1, line 22, before the word "repealing" insert "Laws 1969, Chapter 641, Section 1, by adding a subdivision;"

Page 1, line 27, strike "and"

Page 1, line 27, after "Subdivision 2" insert "; and 355.301"

The motion prevailed. So the amendment was adopted.

H. F. No. 593 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 55 and nays 1, as follows:

Those who voted in the affirmative were:

Arnold	Conzemius	Josefson	Nelson	Schmitz
Ashbach	Doty	Kirchner	North	Schrom
Bang	Dunn	Kleinbaum	Olhofft	Sillers
Berg	Fitzsimons	Knutson	Olson, A. G.	Solon
Bernhagen	Frederick	Kowalczyk	Olson, H. D.	Spear
Borden	Gerty	Larson	Olson, J. L.	Stassen
Brataas	Hansen, Baldy	Laufenburger	O'Neill	Stumpf
Brown	Hansen, Mel	Lewis	Patton	Tennessen
Chenoweth	Hanson, R.	McCutcheon	Perpich, G.	Ueland
Chmielewski	Hughes	Merriam	Pillsbury	Wegener
Coleman	Humphrey	Milton	Purfeerst	Willet

Mr. Keefe, J. voted in the negative.

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

SPECIAL ORDER

H. F. No. 1518: 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; amending Laws 1959, Chapter 690, Sections 2, as amended, and 3, as amended.

Mr. O'Neill moved to amend H. F. No. 1518, as follows:

Page 4, line 11, delete "3" and insert "4"

Page 4, line 11, delete "*This act*" and insert "*Sections 1 to 3*"

Page 4, line 11, delete "*its*"

Page 4, after line 14, insert the following:

"Sec. 5. Laws 1965, Chapter 705, is amended by adding a section to read:

Sec. 6. The school board, for the purpose of providing moneys for the payment of its severance pay obligations under a plan approved by resolution of the district, in addition to all other powers possessed by the school district and in addition to and in excess of any existing limitation upon the amount it is otherwise authorized by law to levy as taxes, is authorized to levy taxes annually not exceeding in any one year an amount equal to two-tenths of one mill upon each dollar of the assessed valuation thereof upon all taxable property within the school district which taxes as levied shall be spread upon the tax rolls, and all corrections thereof shall be held by the school district, and allocated therefor to be disbursed and expended by the school district in payment of any public school severance pay obligations and for no other purpose. Disbursements and expenditures previously authorized on behalf of the school district for payment of severance pay obligations shall not be deemed to constitute any part of the cost of the operation and maintenance of the school district within the meaning of any statutory limitation of any school district expenditures.

The amount of such severance pay allowable or to become payable in respect of any such employment or to any such employee shall not exceed \$4,000.

Sec. 6. Section 5 shall become effective only after approval by a majority of the governing body of Independent School District No. 625 and upon compliance with the provisions of Minnesota Statutes, Section 645.021."

Further, amend the title as follows:

Page 1, line 2, after "St. Paul" insert "and Independent School District No. 625"

Page 1, line 6, after "city;" insert "providing for severance pay and the authority to levy and raise taxes for the payment of severance pay obligations of the school district board;"

Page 1, line 11, after "and 3, as amended" insert "; and Laws 1965, Chapter 705, by adding a section"

The motion prevailed. So the amendment was adopted.

Mr. O'Neill then moved to amend H. F. No. 1518 as follows:

Page 4, after line 10, insert:

"Sec. 3. 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 passed upon in the manner provided for by the charter of the city of St. Paul that compensation of all duly elected officers under its charter may be increased by an amount not to exceed \$2,000, such ordinance to be enacted and to become effective prior to December 31, 1975.*"

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "providing for ordinance for increased limited compensation for officers;"

Page 1, line 11, before the period, insert "; and Laws 1973, Chapter 691, Section 4, Subdivision 1"

The motion prevailed. So the amendment was adopted.

H. F. No. 1518 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 48 and nays 2, as follows:

Those who voted in the affirmative were:

Arnold	Conzemius	Keefe, J.	North	Sillers
Ashbach	Davies	Keefe, S.	Olhoft	Solon
Bang	Dunn	Kirchner	Olson, H. D.	Spear
Berg	Fitzsimons	Kleinbaum	Olson, J. L.	Stassen
Bernhagen	Gearty	Kowalczyk	O'Neill	Stumpf
Brataas	Hansen, Baldy	Lewis	Perpich, G.	Ueland
Brown	Hansen, Mel	McCutcheon	Pillsbury	Wegener
Chenoweth	Hanson, R.	Milton	Renneke	Willet
Chmielewski	Hughes	Moe	Schmitz	
Coleman	Humphrey	Nelson	Schrom	

Messrs. Josefson and Knutson voted in the negative.

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

SPECIAL ORDER

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.

CALL OF THE SENATE

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

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

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

S. F. No. 1054 was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

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

And the roll being called, there were yeas 35 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Laufenburger	Ogdahl	Schmitz
Arnold	Doty	Lewis	Olhoft	Schrom
Borden	Dunn	McCutcheon	Olson, A. G.	Solon
Brown	Fitzsimons	Merriam	Olson, H. D.	Spear
Chenoweth	Hansen, Baldy	Milton	Perpich, G.	Stumpf
Coleman	Hughes	Moe	Pillsbury	Wegener
Conzemius	Keefe, S.	North	Purfeerst	Willet

Those who voted in the negative were:

Ashbach	Chmielewski	Humphrey	Kowalczyk	Patton
Bang	Frederick	Josefson	Larson	Renneke
Bernhagen	Gearty	Keefe, J.	Nelson	Sillers
Blatz	Hansen, Mel	Kirchner	Olson, J. L.	Stassen
Brataas	Hanson, R.	Knutson	O'Neill	Ueland

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Olson, H. D. moved that the rules of the Senate be so far suspended that the lie-over requirement be waived on H. F. No. 1169. The motion prevailed.

SPECIAL ORDER

H. F. No. 1169: A bill for an act relating to agriculture; inspection; licensing; fees; amending Minnesota Statutes 1974, Sections 17.35, Subdivision 6; 18.032, Subdivision 6; 18.53; 18.54, Subdivision 1; 18A.02, Subdivision 3; 21.54, Subdivision 2; 24.072, Subdivisions 2 and 4; 28A.03; 28A.04; 28A.05; 28A.08; 28A.09; 28A.15, Subdivision 5; 31.101; 31.102, Subdivision 1; 31.103, Subdivision 1; 31.104; 31.31; 31.39; 32.075; 32.394, Subdivision 8, and by adding subdivisions; 32.59; and 34.05, Subdivisions 1 and 2.

Mr. Olson, H. D. moved that the amendment made to H. F. No. 1169 by the Committee on Rules and Administration in the report adopted May 8, 1975, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 1169 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 30 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Hanson, R.	North	Solon
Arnold	Doty	Humphrey	Olson, A. G.	Spear
Borden	Fitzsimons	Keefe, S.	Perpich, G.	Stassen
Chmielewski	Gearty	Laufenburger	Purfeerst	Stumpf
Coleman	Hansen, Baldy	Merriam	Schmitz	Wegener
Conzemius	Hansen, Mel	Moe	Schrom	Willet

Those who voted in the negative were:

Ashbach	Frederick	Larson	O'Neill	Ueland
Bang	Josefson	Nelson	Patton	
Brataas	Kirchner	Ogdahl	Pillsbury	
Brown	Knutson	Olson, H. D.	Renneke	
Dunn	Kowalczyk	Olson, J. L.	Sillers	

So the bill failed to pass.

SPECIAL ORDER

S. F. No. 454: A bill for an act relating to intoxicating liquor; licensing of bottle clubs; amending Minnesota Statutes 1974, Section 340.119, Subdivision 3.

Mr. Keefe, J. moved to amend S. F. No. 454, as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1974, Section 340.119, Subdivision 3, is amended to read:

Subd. 3. It is unlawful for any bottle club or for any business establishment, directly or indirectly, or upon any pretense or by any device, to allow the consumption or display of intoxicating liquor or the serving of any liquid for the purpose of mixing of intoxicating liquor without having first obtained a permit therefor. Such permit ~~shall~~ *may* be issued by the liquor control commissioner *after approval by the governing body of the county or city*, for a period of one year to expire on July 1, next following issuance of such license, upon the payment of \$100 and must be renewed annually on July 1. Application for such permit shall be made to the liquor control commissioner. There is hereby conferred upon the governing body of each county and city in the state the authority to impose, in addition to the fee provided by this subdivision, ~~an additional~~ *a local license fee not exceed-*

ing \$300 per year. Such additional fee, which shall be payable to the county and city imposing the fee.

Sec. 2. *This act is effective July 1, 1975.* "

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 21, Mr. Davies moved that the following members be excused for a Conference Committee on H. F. No. 1674:

Messrs. Blatz; Coleman; Conzemius; Olson, A. G. and Perpich, A. J. The motion prevailed.

S. F. No. 454 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	Fitzsimons	Kleinbaum	Ogdahl	Solon
Ashbach	Gearty	Knutson	Olson, H. D.	Spear
Bang	Hansen, Baldy	Kowalczyk	O'Neill	Stassen
Berg	Hansen, Mel	Larson	Patton	Stumpf
Bernhagen	Hanson, R.	Lewis	Perpich, G.	Ueland
Borden	Hughes	McCutcheon	Pillsbury	Wegener
Brown	Humphrey	Merriam	Purfeerst	Willet
Chmielewski	Josefson	Moe	Schmitz	
Davies	Keefe, J.	Nelson	Schrom	
Dunn	Kirchner	North	Sillers	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1217: A bill for an act relating to Waseca county; authorizing issuance of an on-sale license for the sale of intoxicating liquor.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 41 and nays 5, as follows:

Those who voted in the affirmative were:

Arnold	Fitzsimons	Knutson	Olson, H. D.	Solon
Ashbach	Hansen, Baldy	Larson	O'Neill	Spear
Bang	Hansen, Mel	Lewis	Patton	Ueland
Berg	Hanson, R.	McCutcheon	Perpich, G.	Wegener
Bernhagen	Humphrey	Merriam	Pillsbury	Willet
Borden	Josefson	Moe	Purfeerst	
Brown	Keefe, J.	Nelson	Schmitz	
Chmielewski	Keefe, S.	North	Schrom	
Davies	Kleinbaum	Ogdahl	Sillers	

Those who voted in the negative were:

Doty	Dunn	Kirchner	Olson, J. L.	Stumpf
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So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 558: A bill for an act relating to intoxicating liquor; suspension or revocation of licenses to sell; amending Minnesota Statutes 1974, Section 340.135.

Mr. Kleinbaum moved to amend H. F. No. 558 as follows:

Page 2, line 2, before "*The*" insert "*No suspension or revocation shall take effect until*"

Page 2, line 3, strike "*shall be*" and insert "*has been*"

The motion prevailed. So the amendment was adopted.

H. F. No. 558 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Josefson	Milton	Purfeerst
Ashbach	Dunn	Keefe, J.	Moe	Schmitz
Bang	Fitzsimons	Keefe, S.	Nelson	Schrom
Berg	Frederick	Kirchner	North	Sillers
Bernhagen	Gearty	Kleinbaum	Ogdahl	Solon
Borden	Hansen, Baldy	Knutson	Olhoft	Spear
Brataas	Hansen, Mel	Kowalczyk	Olson, J. L.	Stassen
Brown	Hanson, R.	Larson	O'Neill	Stumpf
Chenoweth	Hughes	Lewis	Patton	Ueland
Chmielewski	Humphrey	Merriam	Pillsbury	Wegener

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

SPECIAL ORDER

S. F. No. 1575: A bill for an act relating to certain counties; authorizing the expenditure of county and federal revenue sharing funds for certain purposes.

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	Dunn	Kleinbaum	Ogdahl	Sillers
Ashbach	Fitzsimons	Knutson	Olhoft	Solon
Bang	Gearty	Kowalczyk	Olson, J. L.	Spear
Berg	Hansen, Baldy	Larson	O'Neill	Stassen
Bernhagen	Hansen, Mel	Laufenburger	Patton	Stumpf
Borden	Hanson, R.	Lewis	Perpich, G.	Ueland
Brataas	Hughes	Merriam	Pillsbury	Wegener
Brown	Josefson	Milton	Purfeerst	
Chenoweth	Keefe, J.	Moe	Renneke	
Chmielewski	Keefe, S.	Nelson	Schmitz	
Davies	Kirchner	North	Schrom	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 982: A bill for an act relating to the personnel system in Hennepin county; increasing the number of members on the personnel board and prescribing certain duties of the board; amending Laws 1965, Chapter 855, Sections 3, Subdivision 1; 4, Subdivision 2; 13; and 16.

Mr. Ogdahl moved to amend S. F. No. 982 as follows:

Page 7, line 20, strike "*or mental*"

The motion prevailed. So the amendment was adopted.

S. F. No. 982 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 49 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kleinbaum	North	Schmitz
Arnold	Fitzsimons	Knutson	Ogdahl	Schrom
Ashbach	Gearty	Kowalczyk	Olhoff	Sillers
Bang	Hansen, Mel	Larson	Olson, J. L.	Spear
Berg	Hanson, R.	Laufenburger	O'Neill	Stassen
Brataas	Hughes	Lewis	Patton	Stumpf
Brown	Humphrey	Merriam	Perpich, G.	Ueland
Chmielewski	Keefe, J.	Milton	Pillsbury	Wegener
Davies	Keefe, S.	Moe	Purfeerst	Willet
Doty	Kirchner	Nelson	Renneke	

Messrs. Hansen, Baldy and Josefson voted in the negative.

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

SPECIAL ORDER

S. F. No. 1047: A bill for an act relating to the organization and operation of state government; providing for membership terms, compensation, removal of members, and filling of membership vacancies of certain state boards, commissions, committees, councils, authorities, the housing finance agency and the tax court; changing procedures of the corrections authority; eliminating obsolete language; amending Minnesota Statutes 1974, Sections 3.922, Subdivision 2; 3.924; 3.927; 10A.02, Subdivision 2; 15.50 Subdivision 1, and by adding a subdivision; 15A.081, Subdivision 1; 16.71, Subdivision 1, and by adding a subdivision; 16.823, Subdivisions 2 and 3; 35.02; 40.03, Subdivisions 1 and 3, and by adding a subdivision; 43.03, Subdivision 1, and by adding a subdivision; 85A.01, Subdivisions 1 and 4, and by adding a subdivision; 105.71, Subdivisions 1 and 3, and by adding a subdivision; 116.02, Subdivisions 1, 2 and 4; 116C.03, Subdivision 2, and by adding a subdivision; 116E.02, Subdivisions 1 and 4, and by adding a subdivision; 121.02, Subdivision 1, and by adding a subdivision; 136.12; 136.61, Subdivision 1, and by adding a subdivision; 136A.02, Subdivision 1, and by adding a subdivision; 136A.26; 139.01; 139.02; 144.01; 144.04; 175.006, Subdivision 1, and by adding a subdivision; 179.72, Sub-

divisions 1 and 2, and by adding a subdivision; 182.664, Subdivision 1, and by adding a subdivision; 216A.03, Subdivision 1, and by adding a subdivision; 238.04, Subdivision 2, and by adding a subdivision; 241.045, Subdivision 3, and by adding a subdivision; 250.05, Subdivisions 2 and 3, and by adding a subdivision; 256.975, Subdivision 1, and by adding a subdivision; 271.01, Subdivision 2, and by adding a subdivision; 275.551; 299B.05, Subdivision 3, and by adding a subdivision; 352.03, Subdivisions 1, 2 and 3, and by adding a subdivision; 363.04, Subdivision 4, and by adding a subdivision; 414.01, Subdivisions 3 and 6a, and by adding a subdivision; 462A.04, Subdivision 1, and by adding a subdivision; 490.15; 626.842; Chapter 15, by adding a section; repealing Minnesota Statutes 1974, Sections 3.922, Subdivision 3; 10A.02, Subdivision 6; 16.823, Subdivision 5; 43.03, Subdivision 3; 121.02, Subdivision 2; 136.16; 136.61, Subdivisions 2 and 4; 136A.02, Subdivision 4; 175.006, Subdivision 3; 216A.03, Subdivision 2; 238.04, Subdivisions 4 and 5; 241.045, Subdivision 5; 271.01, Subdivision 3; 299B.05, Subdivision 2; 363.04, Subdivision 6; 462A.04, Subdivisions 2, 3 and 5.

Mr. North moved to amend S. F. No. 1047 as follows:

Page 2, line 17, strike "15.012" and insert "15.059"

Page 3, line 4, strike the first "the" and insert "a"

Page 3, line 11, after "activities" insert ", when authorized by the board,"

Page 10, line 19, restore the stricken language

Page 10, strike lines 20 and 21

Page 12, line 32, after "governor" insert "*with the advice and consent of the senate*"

Page 15, line 24, reinsert the stricken period

Page 23, line 15, strike "terms" and insert "term"

Page 23, line 16, strike "the members of the" and insert "a member of a"

Page 23, line 17, strike "councils" and insert "council"

Page 23, line 19, strike "or elected, as the case may be,"

Page 23, line 21, strike "governor" and insert "*chairman of the state council with approval of the state council*"

Page 24, line 20, strike "by and with the approval" and insert "*with the advice and consent*"

Page 47, line 1, strike "on the first Monday in" and insert "*in the month of*"

Page 47, line 2, strike "on the first Monday in" and insert "*in the month of*"

Page 47, line 32, strike "59 and" and insert "58 to"

Amend the title as follows:

Page 1, strike line 8

The motion prevailed. So the amendment was adopted.

Mr. Nelson moved to amend S. F. No. 1047 as follows:

Page 36, after line 5, insert

"Sec. 58. Minnesota Statutes 1974, Section 243.05, is amended to read:

243.05 [AUTHORITY; POWERS, LIMITATIONS.] *Subdivision 1.* The Minnesota corrections authority may parole any person sentenced to confinement in the state prison, the state reformatory, or the Minnesota correctional institution for women, provided that no convict serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years; and provided further than no convict serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years; provided further that any convict sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; provided further, in all cases where a convict is serving a life sentence for murder, unanimous consent of the Minnesota corrections authority shall be required for parole of such convict. Upon being paroled and released, such convicts shall be and remain in the legal custody and under the control of the Minnesota corrections authority, subject at any time to be returned to the state prison, the state reformatory, the Minnesota correctional institution for women, or other facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by such authority, when the legal custody of such convict shall revert to the commissioner of corrections. The written order of the Minnesota corrections authority, certified by the chairman of the authority, shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on parole to the Minnesota corrections authority, but any state parole and probation agent may, without order of warrant, when it appears to him necessary in order to prevent escape or enforce discipline, take and detain a parolee to the Minnesota corrections authority for its action. The written order of the commissioner of corrections shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without such order, when it appears to him necessary in order to prevent escape or enforce discipline, retake and detain such probationer and bring him before the court for further proceedings under section 609.14. Paroled persons, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may

be placed within or without the boundaries of the state at the discretion of the authority or of the commissioner of corrections, and the limits fixed for such persons may be enlarged or reduced according to their conduct.

In considering applications for parole or final release, the authority shall not be required to hear oral argument from any attorney or other person not connected with the prison or the reformatory in favor of or against the parole or release of any prisoners, but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of such prisoner, and to that end shall have authority to require the attendance of the warden of the state prison or the superintendent of the state reformatory or the Minnesota correctional institution for women and the production of the records of these institutions, and to compel the attendance of witnesses, and each member of the authority is hereby authorized to administer oaths to witnesses for every such purpose.

Subd. 2. The authority shall make parole proceeding records available for public inspection.

Subd. 3. The authority shall open parole proceedings to the public to receive and consider relevant evidence and testimony.

Subd. 4. The authority shall establish procedural rules for the public parole proceeding by rule in accordance with chapter 15.

Subd. 5. At least 30 days prior to a prisoner's appearance before the authority, the authority shall notify and institute inquiries of (a) the chief law enforcement officers of the county and of the city, if any, where the prisoner resided prior to conviction if the prisoner resided in the state; and (b) the prosecutor of the county in which the prisoner was convicted; and (c) the judge who presided over the trial of the prisoner; and (d) the victim, if any, of the crime for which the prisoner was incarcerated. The notification shall specify the time and place of hearing and that the authority will receive and consider evidence and testimony relevant to the prisoner's potential release."

Renumber the sections in sequence

Amend the title as follows:

Line 34, after "subdivision;" insert "243.05;"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 21 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Knutson	O'Neill	Ueland
Bang	Hansen, Mel	Kowalczyk	Pillsbury	
Berg	Hanson, R.	Larson	Renneke	
Bernhagen	Josefson	Merriam	Sillers	
Brown	Keefe, J.	Nelson	Stassen	

Those who voted in the negative were:

Anderson	Fitzsimons	Kleinbaum	Olhoft	Stumpf
Arnold	Gearty	Laufenburger	Olson, H. D.	Wegener
Borden	Hansen, Baldy	Lewis	Perpich, G.	Willet
Chenoweth	Hughes	Milton	Purfeerst	
Chmielewski	Humphrey	Moe	Schmitz	
Davies	Keefe, S.	North	Schrom	
Doty	Kirchner	Ogdahl	Spear	

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

Mr. Nelson then moved to amend S. F. No. 1047 as follows:

Page 36, after line 5, insert:

"Sec. 58. Minnesota Statutes 1974, Chapter 243, is amended by adding a section to read:

[243.051] [RELEASE.] *Before releasing a prisoner into the community, the Minnesota corrections authority shall make a finding that the prisoner is capable of managing himself and his affairs in the community without direct supervision, and file the same together with its reasons for said finding.*"

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 3, strike "Chapter" and insert "Chapters"

Page 2, line 4, after "section;" insert "and 243, by adding a section;"

The question being taken on the adoption of the amendment,

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

Those who voted in the affirmative were:

Ashbach	Brown	Hansen, Mel	Kowalczyk	Pillsbury
Bang	Chmielewski	Hanson, R.	Larson	Sillers
Berg	Dunn	Josefson	Merriam	Stassen
Bernhagen	Fitzsimons	Keefe, J.	Nelson	Ueland
Brataas	Hansen, Baldy	Knutson	O'Neill	

Those who voted in the negative were:

Arnold	Hughes	Milton	Perpich, G.	Wegener
Borden	Humphrey	North	Purfeerst	Willet
Chenoweth	Keefe, S.	Ogdahl	Schmitz	
Davies	Kirchner	Olhoft	Schrom	
Doty	Laufenburger	Olson, H. D.	Spear	
Gearty	Lewis	Olson, J. L.	Stumpf	

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

S. F. No. 1047: A bill for an act relating to the organization and operation of state government; providing for membership terms, compensation, removal of members, and filling of membership vacancies of certain state boards, commissions, committees, councils, authorities, the housing finance agency and the tax court; eliminating obsolete language; amending Minnesota Statutes 1974, Sections 3.922, Subdivision 2; 3.924; 3.927; 10A.02, Subdivision 2; 15.50, Subdivision 1, and by add-

ing a subdivision; 15A.081, Subdivision 1; 16.71, Subdivision 1, and by adding a subdivision; 16.823, Subdivisions 2 and 3; 35.02; 40.03, Subdivisions 1 and 3, and by adding a subdivision; 43.03, Subdivision 1, and by adding a subdivision; 85A.01, Subdivisions 1 and 4, and by adding a subdivision; 105.71, Subdivisions 1 and 3, and by adding a subdivision; 116.02, Subdivisions 1, 2 and 4; 116C.03, Subdivision 2, and by adding a subdivision; 116E.02, Subdivisions 1 and 4, and by adding a subdivision; 121.02, Subdivision 1, and by adding a subdivision; 136.12; 136.61, Subdivision 1, and by adding a subdivision; 136A.02, Subdivision 1, and by adding a subdivision; 136A.26; 139.01; 139.02; 144.01; 144.04; 175.006, Subdivision 1, and by adding a subdivision; 179.72, Subdivisions 1 and 2, and by adding a subdivision; 182.664, Subdivision 1, and by adding a subdivision; 216A.03, Subdivision 1, and by adding a subdivision; 238.04, Subdivision 2, and by adding a subdivision; 241.045, Subdivision 3, and by adding a subdivision; 250.05, Subdivisions 2 and 3, and by adding a subdivision; 256.975, Subdivision 1, and by adding a subdivision; 271.01, Subdivision 2, and by adding a subdivision; 275.551; 299B.05, Subdivision 3, and by adding a subdivision; 352.03, Subdivisions 1, 2 and 3, and by adding a subdivision; 363.04, Subdivision 4, and by adding a subdivision; 414.01, Subdivisions 3 and 6a, and by adding a subdivision; 462A.04, Subdivision 1, and by adding a subdivision; 490.15; 626.842; Chapter 15, by adding a section; repealing Minnesota Statutes 1974, Sections 3.922, Subdivision 3; 10A.02, Subdivision 6; 16.823, Subdivision 5; 43.03, Subdivision 3; 121.02, Subdivision 2; 136.16; 136.61, Subdivisions 2 and 4; 136A.02, Subdivision 4; 175.006, Subdivision 3; 216A.03, Subdivision 2; 238.04, Subdivisions 4 and 5; 241.045, Subdivision 5; 271.01, Subdivision 3; 299B.05, Subdivision 2; 363.04, Subdivision 6; 462A.04, Subdivisions 2, 3 and 5.

Was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, J.	Nelson	Schmitz
Arnold	Doty	Keefe, S.	North	Schrom
Ashbach	Dunn	Kirchner	Ogdahl	Sillers
Bang	Fitzsimons	Kleinbaum	Olhoft	Spear
Berg	Hansen, Baldy	Knutson	Olson, H. D.	Stassen
Bernhagen	Hansen, Mel	Kowalczyk	Olson, J. L.	Stumpf
Borden	Hanson, R.	Larson	O'Neill	Ueland
Brataas	Hughes	Laufenburger	Pillsbury	
Brown	Humphrey	Lewis	Purfeerst	
Chmielewski	Josefson	Merriam	Renneke	

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

SPECIAL ORDER

S. F. No. 498: A bill for an act relating to education; providing a June 30 date for resignation of teachers; amending Minnesota Statutes 1974, Section 125.12, Subdivision 4.

Mr. Lewis moved to amend S. F. No. 498 as follows:

Page 2, line 9, strike "June 30" and insert "July 15"

Further, amend the title as follows:

Page 1, line 2, strike "June 30" and insert "July 15"

The motion prevailed. So the amendment was adopted.

S. F. No. 498: A bill for an act relating to education; providing a July 15 date for resignation of teachers; amending Minnesota Statutes 1974, Section 125.12, Subdivision 4.

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 52 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Kirchner	Ogdahl	Schrom
Arnold	Doty	Kleinbaum	Olhoft	Sillers
Ashbach	Dunn	Knutson	Olson, H. D.	Spear
Bang	Fitzsimons	Kowalczyk	Olson, J. L.	Stassen
Berg	Gearty	Larson	O'Neill	Stumpf
Bernhagen	Hansen, Baldy	Laufenburger	Patton	Ueland
Borden	Hanson, R.	Lewis	Perpich, G.	Wegener
Brataas	Hughes	Milton	Pillsbury	Willet
Brown	Humphrey	Moe	Purfeerst	
Chenoweth	Josefson	Nelson	Renneke	
Chmielewski	Keefe, J.	North	Schmitz	

Mr. Keefe, S. voted in the negative.

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

SPECIAL ORDER

S. F. No. 360: A bill for an act relating to education; directing the higher education coordinating commission to sponsor a quarterly meeting for representatives of certain boards and agencies dealing with higher education; amending Minnesota Statutes 1974, Chapter 136A, 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 37 and nays 11, as follows:

Those who voted in the affirmative were:

Arnold	Fitzsimons	Lewis	Patton	Spear
Bang	Hanson, R.	Merriam	Perpich, G.	Stassen
Berg	Hughes	Milton	Pillsbury	Stumpf
Bernhagen	Humphrey	Moe	Purfeerst	Wegener
Brataas	Keefe, J.	Olhoft	Renneke	Willet
Chenoweth	Kirchner	Olson, H. D.	Schmitz	
Chmielewski	Larson	Olson, J. L.	Schrom	
Dunn	Laufenburger	O'Neill	Sillers	

Those who voted in the negative were:

Borden	Frederick	Josefson	Knutson	North
Brown	Gearty	Keefe, S.	Kowalczyk	Ogdahl
Davies				

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 494: A bill for an act relating to commerce; requiring notice to consumers of right to cancel buyer's club contract; amending Minnesota Statutes 1974, Section 325.962, Subdivision 2, and by adding a subdivision.

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

The question being taken on the passage of the bill,

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

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	Moe	Schmitz
Bang	Dunn	Kirchner	North	Schrom
Bernhagen	Fitzsimons	Kleinbaum	Ogdahl	Sillers
Blatz	Frederick	Knutson	Olhoft	Spear
Borden	Gearty	Kowalczyk	Olson, H. D.	Stassen
Brataas	Hansen, Baldy	Larson	Olson, J. L.	Stumpf
Brown	Hanson, R.	Laufenburger	O'Neill	Ueland
Chenoweth	Hughes	Lewis	Patton	Wegener
Chmielewski	Humphrey	McCutcheon	Perpich, G.	Willet
Coleman	Josefson	Merriam	Purfeerst	
Conzemius	Keefe, J.	Milton	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1628: A bill for an act relating to state parks; authorizing acquisition of a parcel of land in Afton State park by eminent domain with the consent of the owner.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 38 and nays 16, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, S.	Merriam	Renneke
Arnold	Gearty	Kirchner	Milton	Schmitz
Bang	Hansen, Mel	Kleinbaum	Moe	Sillers
Berg	Hanson, R.	Knutson	Nelson	Stumpf
Bernhagen	Hughes	Larson	Olhoft	Ueland
Blatz	Humphrey	Laufenburger	Patton	Wegener
Brown	Josefson	Lewis	Perpich, G.	
Chenoweth	Keefe, J.	McCutcheon	Purfeerst	

Those who voted in the negative were:

Ashbach	Conzemius	North	Olson, J. L.	Spear
Borden	Davies	Ogdahl	O'Neill	Stassen
Chmielewski	Frederick	Olson, A. G.	Schrom	Willet
Coleman				

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1506: A bill for an act relating to education; higher

education coordinating commission; providing procedure for registration and approval of private post-secondary institutions.

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:

Arnold	Dunn	Kirchner	Nelson	Schrom
Ashbach	Fitzsimons	Kleinbaum	North	Sillers
Bang	Gearty	Knutson	Ogdahl	Spear
Berg	Hansen, Baldy	Kowalczyk	Olhoff	Stassen
Bernhagen	Hansen, Mel	Larson	Olson, J. L.	Stumpf
Blatz	Hanson, R.	Laufenburger	O'Neill	Ueland
Borden	Hughes	Lewis	Patton	Willet
Brown	Humphrey	McCutcheon	Perpich, G.	
Chenoweth	Josefson	Merriam	Purfeerst	
Chmielewski	Keefe, J.	Milton	Renneke	
Davies	Keefe, S.	Moe	Schmitz	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1488: A bill for an act relating to education; school districts; authorizing the leasing of schoolhouses; providing for termination of tax exempt status of schoolhouses leased for non-public purposes; amending Minnesota Statutes 1974, Sections 123.36, by adding a subdivision; and 272.02, Subdivision 2.

Mr. Bang moved that the amendment made to H. F. No. 1488 by the Committee on Rules and Administration in the report adopted May 6, 1975, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 1488 was read the third time and placed on its final passage.

The question being taken on the passage of the bill,

And the roll being called, there were yeas 50 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, S.	Milton	Purfeerst
Arnold	Davies	Kirchner	Moe	Renneke
Ashbach	Dunn	Kleinbaum	Nelson	Schmitz
Bang	Fitzsimons	Knutson	North	Schrom
Berg	Gearty	Kowalczyk	Ogdahl	Sillers
Bernhagen	Hansen, Mel	Larson	Olhoff	Spear
Blatz	Hanson, R.	Laufenburger	Olson, J. L.	Stassen
Brataas	Hughes	Lewis	O'Neill	Stumpf
Chenoweth	Humphrey	McCutcheon	Patton	Ueland
Coleman	Keefe, J.	Merriam	Perpich, G.	Wegener

Messrs. Chmielewski; Hansen, Baldy; Josefson and Willet voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1584: A bill for an act relating to public safety; providing for the reporting of malicious false fire alarms and establishing procedures for partial deactivations of fire alarm systems in educational facilities; providing penalties.

Mr. Davies moved to amend S. F. No. 1584 as follows:

Page 1, line 10, strike "shall"

Page 1, strike lines 16 and 17

Page 1, strike lines 22 and 23

Page 2, strike lines 1 through 4

Page 2, line 15, strike "PARTIAL"

Page 2, line 18, after "repeated" insert "malicious"

Page 2, line 19, strike "partial"

Page 2, line 20, after "the" insert "malicious"

Page 2, line 22, strike "partially"

Page 2, line 26, before "alarms" insert "malicious false"

Page 2, line 32, strike "partial"

Page 3, line 3, strike "partial"

Page 3, line 5, strike "partial"

Page 3, line 7, strike ", issuing" and insert "and issue"

Page 3, line 7, after "conditions" insert "and limitations"

Page 3, line 8, strike the comma after "request"

Page 3, line 14, strike "partial"

Page 3, line 14, after "of" insert "a"

Page 3, line 18, strike "excessive"

Page 3, line 18, before "false" insert "malicious"

Page 3, line 22, strike "partial"

Page 3, line 22, strike "alarms" and insert "alarm systems"

Page 3, line 24, strike "partial"

Page 3, strike lines 28 through 32

Renumber the subdivisions in sequence

Page 4, strike sections 5 and 6

Amend the title as follows:

Page 1, line 4, strike "partial"

Page 1, line 5, strike the semicolon and insert a period

Strike line 6

The motion prevailed. So the amendment was adopted.

S. F. No. 1584: A bill for an act relating to public safety; providing for the reporting of malicious false fire alarms and establishing procedures for deactivations of fire alarm systems in educa-

tional facilities.

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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, J.	North	Sillers
Arnold	Dunn	Keefe, S.	Olhoft	Spear
Ashbach	Fitzsimons	Kirchner	Olson, H. D.	Stassen
Bang	Frederick	Kleinbaum	Olson, J. L.	Stumpf
Berg	Gearty	Kowalczyk	O'Neill	Ueland
Bernhagen	Hansen, Baldy	Larson	Patton	Wegener
Brataas	Hansen, Mel	Laufenburger	Perpich, G.	Willet
Brown	Hanson, R.	Lewis	Purfeerst	
Chenoweth	Hughes	McCutcheon	Renneke	
Chmielewski	Humphrey	Milton	Schmitz	
Conzemius	Josefson	Nelson	Schrom	

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

Mr. McCutcheon moved that S. F. No. 1601 be laid on the table. The motion prevailed.

SPECIAL ORDER

S. F. No. 345: A bill for an act relating to insurance; providing for indemnification and subrogation in certain cases; amending Minnesota Statutes 1974, Section 65B.53; repealing Minnesota Statutes 1974, Section 65B.62.

Mr. Davies moved to amend S. F. No. 345 as follows:

Page 1, line 12, strike the new language and reinstate old language

Page 1, lines 16 to 18, strike new language

The motion prevailed. So the amendment was adopted.

S. F. No. 345 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Josefson	Nelson	Schmitz
Arnold	Davies	Keefe, J.	North	Schrom
Ashbach	Dunn	Keefe, S.	Olhoft	Sillers
Bang	Fitzsimons	Kirchner	Olson, H. D.	Spear
Berg	Frederick	Kleinbaum	Olson, J. L.	Stassen
Bernhagen	Gearty	Knutson	O'Neill	Stumpf
Borden	Hansen, Baldy	Larson	Patton	Ueland
Brataas	Hansen, Mel	Lewis	Perpich, G.	Wegener
Brown	Hanson, R.	McCutcheon	Pillsbury	Willet
Chmielewski	Hughes	Merriam	Purfeerst	
Coleman	Humphrey	Milton	Renneke	

Mr. Laufenburger voted in the negative.

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

SPECIAL ORDER

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

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	Dunn	Keefe, S.	Nelson	Sillers
Arnold	Fitzsimons	Kirchner	North	Spear
Ashbach	Frederick	Kleinbaum	Olhoff	Stassen
Berg	Gearty	Knutson	Olson, H. D.	Stumpf
Bernhagen	Hansen, Baldy	Larson	Olson, J. L.	Ueland
Borden	Hansen, Mel	Laufenburger	O'Neill	Wegener
Brataas	Hanson, R.	Lewis	Perpich, G.	Willet
Brown	Hughes	McCutcheon	Purfeerst	
Chmielewski	Humphrey	Merriam	Renneke	
Coleman	Josefson	Milton	Schmitz	
Davies	Keefe, J.	Moe	Schrom	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1262: A bill for an act relating to anatomical gifts; requiring morticians and certain other designated persons to obtain a written release prior to performing an eye enucleation procedure; amending Minnesota Statutes 1974, Section 595.924, 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 50 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Josefson	Merriam	Perpich, G.
Arnold	Conzemius	Keefe, J.	Milton	Pillsbury
Ashbach	Davies	Keefe, S.	Moe	Purfeerst
Bang	Dunn	Kirchner	Nelson	Renneke
Berg	Fitzsimons	Kleinbaum	North	Schmitz
Bernhagen	Gearty	Knutson	Olhoff	Sillers
Borden	Hansen, Mel	Larson	Olson, H. D.	Spear
Brataas	Hanson, R.	Laufenburger	Olson, J. L.	Stumpf
Brown	Hughes	Lewis	O'Neill	Wegener
Chenoweth	Humphrey	McCutcheon	Patton	Willet

Messrs. Hansen, Baldy and Schrom voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

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

Mr. Wegener moved to amend S. F. No. 1439 as follows:

Page 1, line 12, reinstate the stricken "four" and strike "two"

Page 1, line 16, after "Clearwater," insert "*Hubbard, Wadena, Todd, Douglas, Pope and Kandiyohi. Area number two includes the counties of*"

Page 1, lines 17 and 18, reinstate the stricken language and strike the new language

Page 1, line 19, reinstate "Big Stone,"

Page 1, line 19, strike "Pope, Hubbard, Cass,"

Page 1, strike lines 20 and 21

Page 1, line 22, strike "*counties of Big Stone,*"

Page 1, line 22, strike "Kandiyohi,"

Page 1, line 23, strike "*Meeker,*"

Page 2, lines 1 and 2, strike the new language

Page 2, line 7, reinstate all the stricken language except "Hubbard,"

Page 2, line 8, reinstate "Cass, Aitkin,"

Page 2, line 8, reinstate "Crow Wing,"

Page 2, line 8, reinstate "Pine, Morrison, Mille"

Page 2, lines 9 and 10, reinstate the stricken language

Amend the title as follows:

Page 1, line 3, strike, "two" and insert "four"

Page 1, line 4, strike "reducing the number of regions;"

The motion prevailed. So the amendment was adopted.

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

Was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Josefson	Milton	Purfeerst
Arnold	Davies	Keefe, J.	Moe	Renneke
Ashbach	Dunn	Keefe, S.	Nelson	Schmitz
Berg	Fitzsimons	Kleinbaum	North	Sillers
Bernhagen	Gearty	Knutson	Olson, H. D.	Spear
Borden	Hansen, Baldy	Larson	Olson, J. L.	Stumpf
Brataas	Hansen, Mel	Laufenburger	O'Neill	Ueland
Brown	Hanson, R.	Lewis	Patton	Wegener
Chenoweth	Hughes	McCutcheon	Perpich, G.	Willet
Chmielewski	Humphrey	Merriam	Pillsbury	

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

SPECIAL ORDER

S. F. No. 1501: A bill for an act relating to game and fish; regulating entry on agricultural lands for taking big game; providing a penalty; amending Minnesota Statutes 1974, Section 100.273.

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	Conzemius	Josefson	Milton	Purfeerst
Arnold	Davies	Keefe, J.	Moe	Renneke
Ashbach	Dunn	Keefe, S.	Nelson	Schmitz
Bang	Fitzsimons	Kirchner	North	Schrom
Bernhagen	Frederick	Kleinbaum	Olhoft	Sillers
Borden	Gearty	Knutson	Olson, A. G.	Spear
Brataas	Hansen, Baldy	Larson	Olson, H. D.	Stumpf
Brown	Hansen, Mel	Laufenburger	Olson, J. L.	Ueland
Chenoweth	Hanson, R.	Lewis	O'Neill	Wegener
Chmielewski	Hughes	McCutcheon	Perpich, G.	Willet
Coleman	Humphrey	Merriam	Pillsbury	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 775: A bill for an act relating to retirement benefits of certain legislative employees; authorizing payment of contributions for intermittent service during regular and special sessions.

Mr. Chenoweth moved to amend H. F. No. 775 as follows:

Page 1, line 21, after the first "and" insert "legislative"

Page 1, line 22, strike "legislative"

The motion prevailed. So the amendment was adopted.

H. F. No. 775 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 54 and nay 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, J.	Moe	Purfeerst
Arnold	Davies	Keefe, S.	Nelson	Renneke
Ashbach	Dunn	Kirchner	North	Schmitz
Bang	Fitzsimons	Kleinbaum	Olhoft	Schrom
Berg	Gearty	Knutson	Olson, A. G.	Sillers
Bernhagen	Hansen, Baldy	Larson	Olson, H. D.	Spear
Brataas	Hansen, Mel	Laufenburger	Olson, J. L.	Stumpf
Brown	Hanson, R.	Lewis	O'Neill	Ueland
Chenoweth	Hughes	McCutcheon	Patton	Wegener
Chmielewski	Humphrey	Merriam	Perpich, G.	Willet
Coleman	Josefson	Milton	Pillsbury	

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

RECESS

Mr. Coleman moved that the Senate do now recess until 7:15 o'clock p.m. The motion prevailed.

The hour of 7:15 o'clock p.m. having arrived, the President called the Senate to order.

MEMBERS EXCUSED

Messrs. Doty and Larson were excused from this evening's Session.

CALL OF THE SENATE

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

Anderson	Fitzsimons	Kirchner	Olhoft	Schmitz
Arnold	Gearty	Kleinbaum	Olson, H. D.	Schrom
Ashbach	Hansen, Baldy	Laufenburger	Olson, J. L.	Stumpf
Berg	Hansen, Mel	Lewis	Perpich, G.	Tennessen
Borden	Hanson, R.	McCutcheon	Pillsbury	Wegener
Chmielewski	Hughes	Moe	Purfeerst	Willet
Conzemius	Humphrey	North	Renneke	

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

SPECIAL ORDER

S. F. No. 1334: A bill for an act relating to private detectives and protective agents; providing for licensing requirements; specifying the qualifications of employees; permitting transportation of firearms; amending Minnesota Statutes 1974, Sections 326.333; 326.334, Subdivision 2; 326.336, Subdivision 1; and 326.337, Subdivision 4.

Mr. Lewis moved to amend S. F. 1334 as follows:

Page 4, after line 7, insert:

"Sec. 5. Minnesota Statutes 1974, Chapter 326, is amended by adding a section to read:

[326.340] [SECURITY GUARD UNIFORMS.] *The peace officer training board shall, after consultation with interested parties and governmental agencies, prescribe a standard uniform for persons employed as security guards in the protection or safeguarding of real or personal property. Such uniform shall, to the extent practicable, enable an observer to distinguish such security guards from other types of uniformed police or sheriff's officers and shall be worn by all security guards in the course of their employment on and after January 1, 1976.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, after "1974," insert "Chapter 326, by adding a section; and"

The motion prevailed. So the amendment was adopted.

S. F. No. 1334: A bill for an act relating to private detectives

and protective agents; providing for licensing requirements; specifying the qualifications of employees; permitting transportation of firearms; amending Minnesota Statutes 1974, Chapter 326, by adding a section; and Sections 326.333; 326.334, Subdivision 1; and 326.337, Subdivision 4.

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 36 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Kirchner	Olson, H. D.	Stumpf
Arnold	Fitzsimons	Kleinbaum	Olson, J. L.	Tennessen
Ashbach	Gearty	Laufenburger	Perpich, G.	Wegener
Berg	Hansen, Baldy	Lewis	Pillsbury	Willet
Borden	Hansen, Mel	McCutcheon	Purfeerst	
Brown	Hanson, R.	Moe	Renneke	
Chenoweth	Hughes	North	Schmitz	
Chmielewski	Humphrey	Olhoft	Schrom	

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

SPECIAL ORDER

H. F. No. 596: A bill for an act relating to retirement; service credit for certain members of the public employees retirement association.

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 39 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Conzemius	Keefe, S.	North	Schmitz
Arnold	Fitzsimons	Kirchner	Olhoft	Schrom
Ashbach	Gearty	Kleinbaum	Olson, H. D.	Spear
Berg	Hansen, Baldy	Laufenburger	Olson, J. L.	Stumpf
Borden	Hansen, Mel	Lewis	Perpich, G.	Tennessen
Brown	Hanson, R.	McCutcheon	Pillsbury	Wegener
Chenoweth	Hughes	Merriam	Purfeerst	Willet
Chmielewski	Humphrey	Moe	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 2: A bill for an act relating to crimes and criminals; assault upon a child; specifying penalties therefor; amending Minnesota Statutes 1974, Chapter 609, 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 41 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	Moe	Renneke
Arnold	Fitzsimons	Kirchner	North	Schmitz
Ashbach	Gearty	Kleinbaum	Olhoft	Schrom
Berg	Hansen, Baldy	Laufenburger	Olson, H. D.	Spear
Borden	Hansen, Mel	Lewis	Olson, J. L.	Stumpf
Brown	Hanson, R.	McCutcheon	Perpich, G.	Tennessee
Chenoweth	Hughes	Merriam	Pillsbury	Wegener
Chmielewski	Humphrey	Milton	Purfeerst	Willet
Conzemius				

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 583: A bill for an act relating to retirement; providing that in the event a surviving spouse is remarried and such marriage terminates, monthly survivor benefits shall be reinstated; providing for proportionate annuities in certain cases; amending Minnesota Statutes 1974, Chapter 356, by adding sections.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 42 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Kleinbaum	North	Renneke
Ashbach	Conzemius	Kowalczyk	Olhoft	Schmitz
Bang	Davies	Laufenburger	Olson, A. G.	Schrom
Berg	Fitzsimons	Lewis	Olson, H. D.	Spear
Bernhagen	Hansen, Baldy	McCutcheon	Olson, J. L.	Stokowski
Borden	Hansen, Mel	Merriam	Perpich, G.	Stumpf
Brown	Hanson, R.	Milton	Pillsbury	Wegener
Chenoweth	Hughes	Moe	Purfeerst	Willet
Chmielewski	Kirchner			

Mr. Tennessee voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 271: A bill for an act relating to counties; community based correctional programs; providing for the designation of planning counties; expanding the composition of corrections advisory boards; permitting prospective payment of subsidies; changing the subsidy formula; amending Minnesota Statutes 1974, Sections 401.02; 401.08; 401.10; 401.11; 401.14; and 401.15, Subdivision 1.

Mr. North moved to amend S. F. No. 271 as follows:

Page 5, line 9, strike "*will*" and insert "*may*"

The motion prevailed. So the amendment was adopted.

S. F. No. 271 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 47 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Knutson	North	Schmitz
Ashbach	Frederick	Kowalczyk	Olhoft	Sillers
Berg	Gearty	Laufenburger	Olson, H. D.	Spear
Bernhagen	Hansen, Mel	Lewis	Olson, J. L.	Stassen
Borden	Hanson, R.	McCutcheon	O'Neill	Stokowski
Brataas	Hughes	Merriam	Patton	Stumpf
Chmielewski	Humphrey	Milton	Perpich, G.	Tennessen
Conzemius	Keefe, S.	Moe	Pillsbury	Ueland
Davies	Kirchner	Nelson	Renneke	Wegner
Dunn	Kleinbaum			

Those who voted in the negative were:

Brown	Keefe, J.	Purfeerst	Schrom	Willet
Hansen, Baldy				

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

SPECIAL ORDER

S. F. No. 578: A bill for an act relating to public health; authorizing the state board of health to establish mobile health clinics; prescribe fees and requirements for licenses, inspections, and permits; receive funds; enter into agreements for performance of duties by local agents; inspect, license, and regulate hotels and restaurants; providing penalties; amending Minnesota Statutes 1974, Sections 62D.21; 144.076; 144.12; 144.121; 144.122; 144.53; 144.653, Subdivision 6; 144.802; 145.866; 149.02; 149.03, Subdivisions 1 and 2; 149.08; 156A.07, Subdivisions 5, 6 and 7; 157.01; 157.02; 157.03; 157.04; 157.05, Subdivisions 1, 2 and 3; 157.08; 157.09; 157.12; 157.13; 157.14; 326.42; 326.62; 327.15; 327.16, Subdivision 3; Chapters 144 and 145, by adding sections; repealing Minnesota Statutes 1974, Sections 157.05, Subdivisions 4, 5, 6 and 7; 157.06; 157.07; and 157.11; and Laws 1974, Chapter 205.

Mr. North moved to amend S. F. No. 578 as follows:

Page 6, line 30, after "promulgate" insert "by rule and regulation"

Page 34, after line 31, insert:

"Sec. 35. Minnesota Statutes 1974, Section 144.653, Subdivision 8, is amended to read:

Subd. 8. [HEARINGS.] A licensee of a facility required to be licensed under the provisions of sections 144.50 to 144.58 is entitled to a hearing on any ~~correction order~~ *notice of noncompliance with a correction order* issued to him as a result of a reinspection, provided that he makes a written request therefor within 15 days of receipt by him of the ~~correction order~~ *notice of non-compliance with a correction order*. Failure to request a hearing shall result in the forfeiture of a penalty as determined by the

board in accordance with subdivision 6. A request for a hearing such request shall operate as a stay during the hearing and review process of the payment of any forfeiture provided for in this section. Upon receipt of the request for a hearing, a hearing officer, who shall not be an employee of the state board of health, shall be appointed by the state board of health, and the hearing officer shall promptly schedule a hearing on the matter, giving at least ten days notice of the date, time, and place of such the hearing to the licensee. Upon determining that the licensee of a facility required to be licensed under sections 144.50 to 144.58 has not corrected the deficiency specified in the correction order, the hearing officer shall impose a penalty as determined by the board in accordance with subdivision 6. The hearing and review thereof shall be in accordance with the relevant provisions of the administrative procedures act."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, strike "Subdivision 6" and insert "Subdivisions 6 and 8"

The motion prevailed. So the amendment was adopted.

Mr. North then moved to amend S. F. No. 578 as follows:

Page 34, after line 31, insert:

"Sec. 35. Minnesota Statutes 1974, Chapter 144, is amended by adding a section to read:

[144.011] [DEPARTMENT OF HEALTH, CREATION, COMMISSIONER.] *The department of health is hereby created under the control of the commissioner of health. He shall be appointed by the governor, with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is appointed and qualifies. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval.*

Sec. 36. Minnesota Statutes 1974, Chapter 144, is amended by adding a section to read:

[144.021] [POWERS OF COMMISSIONER, DEPUTY.] *The commissioner shall be accountable for the operation and administration of the department of health and shall enforce all laws relating to the public health of the state. He may appoint a deputy commissioner and a personal secretary who shall serve at his pleasure in the unclassified civil service.*

Sec. 37. Minnesota Statutes 1974, Chapter 144, is amended by adding a section to read:

[144.031] [HEALTH ADVISORY COUNCIL.] *Subdivision 1.*

[TERMS.] *There is hereby created a health advisory council of 16 members who shall be appointed by the governor as follows:*

The terms of the members shall be four years. The terms of eight of the members shall be coterminus with the governor and the terms of the remaining eight members shall end one year after the terms of the other members. Members shall serve until their successors are appointed. If a successor has not been appointed by the July 1 after the scheduled end of a member's term, the term of the member for whom a successor has not been appointed shall be extended until the first Monday in January four years after the scheduled end of the term. The governor shall fill vacancies for the unexpired terms.

Subd. 2. [COMPOSITION OF COUNCIL.] *The membership of the council shall consist of eight public members as defined by Laws 1973, Chapter 638, and eight members broadly representing licensed health professions. Four of the public members and four of the professional members shall be appointed to a term similar to the one of the governor. The remaining public and professional members shall be appointed for a term expiring one year thereafter.*

Subd. 3. [COMPENSATION.] *Members of the council shall receive \$25 per day spent on council activities plus expenses as provided by section 43.329.*

Subd. 4. [REMOVAL.] *A member may be removed by the governor at any time (1) for cause after notice and hearing or (2) after missing three consecutive meetings. The chairman of the advisory council shall inform the governor of a member missing three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the council shall notify the member in writing that he may be removed if he misses the next meeting.*

Subd. 5. [CHAIRMAN, STAFF.] *The council shall elect a chairman from its members. The commissioner of health shall provide staff help as necessary.*

Sec. 38. Minnesota Statutes 1974, Chapter 144, is amended by adding a section to read:

[144.041] [DUTIES, POWERS OF ADVISORY COUNCIL.] *The health advisory council shall advise the commissioner on any matter concerning public health rules and the enforcement of any law or rule as the council deems appropriate. The council shall further advise the commissioner on any matter which the commissioner brings before the council.*

Sec. 39. Minnesota Statutes 1974, Chapter 144, is amended by adding a section to read:

[144.045] [PRINCIPAL DUTIES OF COMMISSIONER.] Subdivision 1. [STAFF.] *The commissioner shall organize the department as he deems most appropriate for the administration of public health and shall appoint employees as he deems necessary within the limits provided in Chapter 16, 16A, and 43. All employees appointed under this section shall be in the classified civil service.*

Subd. 2. [RULES.] The commissioner may promulgate rules under the provisions of Chapter 15 which shall be known as "Public health rule number " followed by a consecutive number.

Sec. 40. Minnesota Statutes 1974, Section 144.05 is amended to read:

144.05 [GENERAL DUTIES OF COMMISSIONER.] *The state board commissioner of health acting through its secretary shall have general authority as the state's official health agency and shall be responsible for the development and maintenance of an organized system of programs and services for protecting, maintaining, and improving the health of the citizens. This authority shall include but not be limited to the following:*

(a) Conduct studies and investigations, collect and analyze health and vital data, and identify and describe health problems;

(b) Plan, facilitate, coordinate, provide, and support the organization of services for the prevention and control of illness and disease and the limitation of disabilities resulting therefrom;

(c) Establish and enforce health standards for the protection and the promotion of the public's health such as quality of health services, reporting of disease, regulation of health facilities, environmental health hazards and manpower;

(d) Affect the quality of public health and general health care services by providing consultation and technical training for health professionals and paraprofessionals;

(e) Promote personal health by conducting general health education programs and disseminating health information;

(f) Coordinate and integrate local, state and federal programs and services affecting the public's health;

(g) Continually assess and evaluate the effectiveness and efficiency of health service systems and public health programming efforts in the state; and

(h) Advise the governor and legislature on matters relating to the public's health.

Sec. 41. [INSTRUCTION TO REVISOR.] *The revisor of statutes is directed to delete throughout the Minnesota Statutes any reference to the "board of health" and substitute the terms "commissioner" or "commissioner of health" as appropriate. The revisor is further instructed to make the necessary changes in the statutes to transfer any power, duty, and authority of the former board of health to the commissioner of health. The revisor shall further delete any reference to the secretary and executive officer of the board.*

Sec. 42. [TEMPORARY PROVISIONS.] *The board of health is hereby abolished. All powers, duties and authorities of the previous board are hereby transferred to the commissioner of health.*

The governor shall as soon as possible after the effective date of

this act appoint the 16 members of the health advisory council for terms provided by section 37, subdivision 2."

Page 34, line 32, after "Sections" insert "144.01; 144.02; 144.03; 144.04;"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after "penalties;" insert "transferring the duties and powers of the board of health to the commissioner of health; abolishing the board of health and creating a health advisory council;"

Page 1, line 9, after "62D.21;" insert "144.05;"

Page 1, line 18, before "157.05;" insert "144.01; 144.02; 144.03; 144.04;"

CALL OF THE SENATE

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

Anderson	Davies	Keefe, S.	Olhoft	Schmitz
Ashbach	Dunn	Kirchner	Olson, A. G.	Schrom
Baag	Fitzsimons	Kleinbaum	Olson, H. D.	Sillers
Berg	Frederick	Knutson	Olson, J. L.	Spear
Bernhagen	Hansen, Baldy	Lewis	O'Neill	Stassen
Borden	Hansen, Mel	Merriam	Patton	Stokowski
Brataas	Hanson, R.	Milton	Perpich, G.	Stumpf
Brown	Hughes	Moe	Pillsbury	Tennessen
Chmielewski	Humphrey	Nelson	Purfeerst	Ueland
Coleman	Keefe, J.	North	Renneke	Willet
Conzemius				

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

Mr. Lewis moved a substitute amendment to the North amendment to S. F. No. 578 as follows:

Page 2, after line 6, insert:

"Sec. 2. Minnesota Statutes 1974, Section 144.01, is amended to read:

144.01 [MEMBERSHIP.] The department of health as created and constituted under Laws of Minnesota 1925, Chapter 426, is hereby continued under the supervision and control of the state board of health. The state board of health shall consist of 15 members, ~~nine~~ *six* of whom shall be broadly representative of the licensed health professions and ~~six~~ *nine* of whom shall be public members as defined for purposes of Laws 1973, Chapter 638. The members of the board of health shall be appointed by the governor with the advice and consent of the senate. The licensed health professionals shall be appointed by the governor so that the initial terms of three members will end the first Monday in January of each second year. Thereafter the terms shall be four years. The public members shall be appointed by the governor for like terms. Vacancies on the board shall be filled

by like appointment for the unexpired term. Each member shall serve until his successor qualifies."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after "62D.21;" insert "144.01;"

The motion prevailed. So the substitute amendment to the North amendment was adopted.

Mr. Milton moved to amend S. F. No. 578 as follows:

Page 6, after line 12, insert:

"Sec. 5. Minnesota Statutes 1974, Section 144.653, Subdivision 2, is amended to read:

Subd. 2. [PERIODIC INSPECTION.] All facilities required to be licensed under the provisions of sections 144.50 to 144.58 shall be periodically inspected by the state board of health to insure compliance with its rules, regulations and standards. *Inspections shall occur at different times throughout the calendar year.* The state board of health may enter into agreements with political subdivisions providing for the inspection of such facilities by locally employed inspectors. *The board of commissioners of any county may appoint citizen visitation teams to report to the board of county commissioners on conditions in any licensed facility located in the county.*"

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 11, strike "Subdivision" and insert "Subdivisions 2 and"

Mr. Nelson requested division of the amendment as follows:

First portion:

Page 6, after line 12, insert:

"Sec. 5. Minnesota Statutes 1974, Section 144.653, Subdivision 2, is amended to read:

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

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 11, strike "Subdivision" and insert "Subdivisions 2 and"

Second portion:

"The board of commissioners of any county may appoint citizen visitation teams to report to the board of county commissioners on conditions in any licensed facility located in the county."

The question being taken on the first portion of the Milton amendment,

The motion prevailed. So the first portion of the amendment was adopted.

Mr. Milton withdrew the second portion of the amendment.

Mr. Conzemius moved to amend S. F. No. 578 as follows:

Page 2, after line 6, insert:

"Sec. 2. Minnesota Statutes 1974, Section 144.02, is amended to read:

144.02 [MEETINGS; OFFICERS; QUORUM.] The state board of health shall hold an annual meeting during the first quarter of every year at a time and place designated by the board at which time it shall elect from its members a president. Regular meetings, one of which shall include the annual meeting, shall be held not less than four times a year. At least one such regular meeting shall be held each quarter. The time and place of all such meetings shall be determined by the board, and all board members shall be notified thereof by mail seven days in advance. Special meetings may be held at such times and places as the secretary or any two members of the board shall appoint upon three days' notice to the members by mail. The board shall elect a secretary, *with the advice and consent of the senate*, to serve during its pleasure, who may or may not be one of its members. A majority shall be a quorum and any meeting may be adjourned from time to time."

Renumber the sections in sequence

Further, amend the title:

Page 1, line 9, after "62D.21;" insert "144.02;"

The motion prevailed. So the amendment was adopted.

S. F. No. 578: A bill for an act relating to public health; authorizing the state board of health to establish mobile health clinics; prescribe fees and requirements for licenses, inspections, and permits; receive funds; enter into agreements for performance of duties by local agents; inspect, license, and regulate hotels and restaurants; providing penalties; amending Minnesota Statutes 1974, Sections 62D.21; 144.01; 144.02; 144.076; 144.12; 144.121; 144.122; 144.53; 144.653, Subdivisions 2, 6 and 8; 144.802; 145.866; 149.02; 149.03, Subdivisions 1 and 2; 149.08; 156A.07, Subdivisions 5, 6 and 7; 157.01; 157.02; 157.03; 157.04; 157.05, Subdivisions 1, 2 and 3; 157.08; 157.09; 157.12; 157.13; 157.14; 326.42; 326.62; 327.15; 327.16, Subdivision 3; Chapters 144 and 145, by adding sections; repealing Minnesota Statutes 1974, Sections 157.05, Subdivisions 4, 5, 6 and 7; 157.06; 157.07; and 157.11; and Laws 1974, Chapter 205.

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 38 and nays 19, as follows:

Those who voted in the affirmative were:

Arnold	Gearty	Kleinbaum	North	Sillers
Bang	Hansen, Mel	Knutson	Olhott	Spear
Brataas	Hanson, R.	Kowalczyk	Olson, A. G.	Stassen
Chenoweth	Hughes	Lewis	Olson, H. D.	Stokowski
Coleman	Humphrey	Merriam	O'Neill	Stumpf
Conzemius	Keefe, J.	Milton	Perpich, G.	Tennessen
Davies	Keefe, S.	Moe	Pillsbury	
Fitzsimons	Kirchner	Nelson	Schmitz	

Those who voted in the negative were:

Anderson	Chmielewski	Josefson	Patton	Ueland
Ashbach	Dunn	Laufenburger	Purfeerst	Wegener
Berg	Frederick	McCutcheon	Renneke	Willet
Bernhagen	Hansen, Baldy	Olson, J. L.	Schrom	

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

SPECIAL ORDER

H. F. No. 184: A bill for an act relating to education; providing for a reduction of state aid to school districts permitting violation of state laws prohibiting discrimination; directing the filing of assurances of compliance with state and federal law; amending Minnesota Statutes 1974, Section 124.15, Subdivisions 2 and 3, and by adding a subdivision.

Mr. Stumpf moved that the amendment made to H. F. No. 184 by the Committee on Rules and Administration in the report adopted May 7, 1975, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Keefe, J. moved to amend H. F. No. 184 as follows:

Page 3, line 4, strike the comma and insert "and"

Page 3, line 4, strike "and any"

Page 3, strike line 5

Page 3, line 6, strike "require,"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

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

Anderson	Bernhagen	Chmielewski	Fitzsimons	Hanson, R.
Arnold	Borden	Coleman	Frederick	Hughes
Ashbach	Brataas	Conzemius	Gearty	Humphrey
Bang	Brown	Davies	Hansen, Baldy	Josefson
Berg	Chenoweth	Dunn	Hansen, Mel	Keefe, S.

Kirchner	Merriam	Olson, H. D.	Renneke	Tennessee
Kleinbaum	Milton	Olson, J. L.	Schmitz	Ueland
Knutson	Moe	O'Neill	Schrom	Willet
Kowalczyk	Nelson	Patton	Spear	
Laufenburger	North	Perpich, G.	Stassen	
Lewis	Olhoft	Pillsbury	Stokowski	
McCutcheon	Olson, A. G.	Purfeerst	Stumpf	

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

H. F. No. 184 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 44 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	North	Spear
Arnold	Dunn	Kirchner	Ogdahl	Stassen
Bang	Fitzsimons	Kowalczyk	Olhoft	Stokowski
Blatz	Gearty	Laufenburger	Olson, A. G.	Stumpf
Borden	Hansen, Mel	Lewis	O'Neill	Tennessee
Brataas	Hanson, R.	McCutcheon	Perpich, G.	Ueland
Chenoweth	Hughes	Merriam	Pillsbury	Wegener
Coleman	Humphrey	Milton	Purfeerst	Willet
Conzemius	Keefe, J.	Moe	Schmitz	

Those who voted in the negative were:

Berg	Chmielewski	Josefson	Nelson	Patton
Bernhagen	Frederick	Kleinbaum	Olson, H. D.	Renneke
Brown	Hansen, Baldy	Knutson	Olson, J. L.	Schrom

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

SPECIAL ORDER

S. F. No. 1353: A bill for an act relating to elections; providing certain precinct caucus requirements; amending Laws 1975, Chapter 5, Sections 5, Subdivisions 1 and 3; 6, Subdivision 1; and 9, 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 50 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Olhoft	Schmitz
Ashbach	Fitzsimons	Kleinbaum	Olson, A. G.	Schrom
Bang	Frederick	Knutson	Olson, H. D.	Spear
Bernhagen	Gearty	Kowalczyk	Olson, J. L.	Stassen
Blatz	Hansen, Mel	Laufenburger	O'Neill	Stokowski
Borden	Hanson, R.	McCutcheon	Patton	Stumpf
Brataas	Humphrey	Merriam	Perpich, G.	Tennessee
Brown	Josefson	Milton	Pillsbury	Ueland
Coleman	Keefe, J.	Nelson	Purfeerst	Wegener
Davies	Keefe, S.	North	Renneke	Willet

Mr. Hansen, Baldy voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 234: A bill for an act relating to eminent domain; providing for payments and benefits in negotiated acquisitions under no threat of eminent domain; waiver of benefits; amending Minnesota Statutes 1974, Chapter 117, 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 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	Olhoft	Schmitz
Ashbach	Frederick	Kleinbaum	Olson, A. G.	Schrom
Bang	Gearty	Knutson	Olson, H. D.	Spear
Berg	Hansen, Baldy	Kowalczyk	Olson, J. L.	Stassen
Bernhagen	Hansen, Mel	Laufenburger	O'Neill	Stokowski
Blatz	Hanson, R.	McCutcheon	Patton	Stumpf
Borden	Humphrey	Merriam	Perpich, G.	Tennessen
Brown	Josefson	Milton	Pillsbury	Ueland
Coleman	Keefe, J.	Nelson	Purfeerst	Wegener
Conzemius	Keefe, S.	North	Renneke	Willet
Davies				

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1125: A bill for an act relating to Anoka county; providing for the establishment of scenic areas; amending Laws 1961, Chapter 209, Sections 1 and 2.

Mr. Anderson moved to amend S. F. No. 1125 as follows:

Page 1, line 16, strike "*or its tributaries*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1125 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Keefe, J.	Nelson	Schmitz
Ashbach	Dunn	Keefe, S.	North	Schrom
Bang	Fitzsimons	Kirchner	Olhoft	Spear
Berg	Frederick	Kleinbaum	Olson, H. D.	Stassen
Bernhagen	Gearty	Knutson	Olson, J. L.	Stokowski
Blatz	Hansen, Baldy	Kowalczyk	O'Neill	Stumpf
Borden	Hansen, Mel	Laufenburger	Patton	Tennessen
Chmielewski	Hanson, R.	McCutcheon	Pillsbury	Ueland
Coleman	Humphrey	Merriam	Purfeerst	Wegener
Conzemius	Josefson	Milton	Renneke	Willet

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

SPECIAL ORDER

S. F. No. 1553: A bill for an act relating to Ramsey county; authorizing the board of county commissioners to issue general obligation bonds for the costs of construction, including land acquisition, architectural, and other professional fees in the construction of an adult detention center, and a juvenile center; amending Laws 1974, Chapter 435, 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 41 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Kirchner	North	Purfeerst
Bang	Fitzsimons	Kleinbaum	Olhoft	Renneke
Berg	Gearty	Knutson	Olson, H. D.	Schmitz
Bernhagen	Hansen, Baldy	Laufenburger	Olson, J. L.	Stassen
Blatz	Hanson, R.	McCutcheon	O'Neill	Stokowski
Borden	Hughes	Milton	Patton	Tennessen
Brataas	Humphrey	Moe	Perpich, G.	Ueland
Chmielewski	Keefe, S.	Nelson	Pillsbury	Wegener
Coleman				

Those who voted in the negative were:

Brown	Josefson	Schrom	Stumpf	Willet
Frederick	Kowalczyk	Spear		

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1129: A bill for an act relating to the city of Bloomington; authorizing housing finance program; providing for the issuance of limited general obligation bonds.

Mr. Stassen moved that the amendment made to H. F. No. 1129 by the Committee on Rules and Administration in the report adopted May 6, 1975, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 1129 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 7, as follows:

Those who voted in the affirmative were:

Anderson	Fitzsimons	Keefe, S.	Moe	Renneke
Ashbach	Frederick	Kirchner	Nelson	Schmitz
Bang	Gearty	Kleinbaum	North	Schrom
Berg	Hansen, Baldy	Knutson	Ogdahl	Spear
Bernhagen	Hansen, Mel	Kowalczyk	Olson, J. L.	Stassen
Blatz	Hanson, R.	Laufenburger	O'Neill	Stumpf
Brataas	Hughes	McCutcheon	Patton	Ueland
Coleman	Humphrey	Merriam	Pillsbury	Wegener
Conzemius	Keefe, J.	Milton	Purfeerst	Willet
Dunn				

Those who voted in the negative were:

Borden	Olhoft	Olson, H. D.	Perpich, G.	Tennessen
Chmielewski	Olson, A. G.			

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Messages from the House, First Reading of House Bills, and Reports of Committees.

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. 93, 307, 426, 523, 935, 1391, 332, 876 and 1057.

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

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 379, 1288, 17, 884, 1525, 1526, 1569, 907, 1140, 1638, 344, 396, 717 and 1798.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 9, 1975

FIRST READING OF HOUSE BILLS

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

H. F. No. 379: A bill for an act relating to taxation; reducing the period of redemption for certain land sold or bid in for the state at a tax judgment sale; allowing certain fees to discharge cancelled special assessments; amending Minnesota Statutes 1974, Section 281.17.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 1288: A bill for an act relating to the operation of shade tree disease control programs by local governments; providing funds for the control of shade tree disease; establishing a grant-in-aid program under the department of agriculture; appropriating money; amending Minnesota Statutes 1974, Sections 18.022, by adding a subdivision; 18.023, Subdivision 1 and 3, and by adding subdivisions.

Referred to the Committee on Finance.

H. F. No. 17: A bill for an act relating to appropriations; ap-

appropriating money to the commissioner of public welfare for the purpose of making grants for mental health purposes.

Referred to the Committee on Finance.

H. F. No. 884: A bill for an act relating to taxation; providing a homestead exemption for certain stockholders of a family farm corporation and partners of a partnership; amending Minnesota Statutes 1974, Section 273.13, by adding a subdivision.

Referred to the Committee on Rules and Administration.

H. F. No. 1525: A bill for an act relating to taxation; defining "common carrier" for certain purposes in connection with the sales and use tax; amending Minnesota Statutes 1974, Section 297A.01, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 1526: A bill for an act relating to the city of Saint Paul; establishing the city's tax levy limits as that levy limit established by general and special state law; repealing Laws 1971, Chapter 762.

Referred to the Committee on Rules and Administration.

H. F. No. 1569: A bill for an act relating to the city of Shoreview; authorizing the city of Shoreview to defer special assessments previously levied on property owned by senior citizens.

Referred to the Committee on Rules and Administration.

H. F. No. 907: A bill for an act relating to charitable trusts and trustees; authorizing the secretary of state to establish and maintain a register of charitable trusts; authorizing the attorney general to take appropriate actions to protect and enforce the proper administration of charitable trusts; authorizing investigations; authorizing fees.

Referred to the Committee on Rules and Administration.

H. F. No. 1140: A bill for an act relating to health; providing for a program of treatment for adults having cystic fibrosis; appropriating money; amending Minnesota Statutes 1974, Chapter 144, by adding a section.

Referred to the Committee on Finance.

H. F. No. 1638: A bill for an act relating to education; higher education coordinating commission; work-study program for post-secondary students; defining eligibility and setting guidelines for payments; amending Minnesota Statutes 1974, Sections 136A.231; 136A.232; and 136A.233.

Referred to the Committee on Finance.

H. F. No. 344: A bill for an act relating to motor vehicles; providing for activities in connection with motor vehicle and other waste; amending Minnesota Statutes 1974, Sections 168B.02, by adding a subdivision; 168B.09, Subdivision 1; 168B.10, Subdivision 1; and Chapter 168B, by adding a section.

Referred to the Committee on Finance.

H. F. No. 396: A bill for an act relating to education; establishing pilot bilingual and native American language and culture education programs; granting certain powers and duties to the state board of education; establishing a state bilingual and native American language and culture education advisory council; appropriating money; amending Minnesota Statutes 1974, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; repealing Minnesota Statutes 1974, Section 126.07.

Referred to the Committee on Finance.

H. F. No. 717: A bill for an act relating to optometric education; higher education coordinating commission; providing for a study of the availability of educational opportunities in optometry for Minnesota students.

Referred to the Committee on Rules and Administration.

H. F. No. 1798: A bill for an act relating to the organization and operations of the state government; appropriating money to the department of highways and for other purposes; amending Minnesota Statutes 1974, Sections 161.35; 161.39, Subdivision 5a; and repealing Minnesota Statutes 1974, Section 161.355, Subdivision 2.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 1798 for proper reference, recommends the above House File be re-referred to its respective Committee as follows:

H. F. No. 1798 to the Committee on Finance.

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.

Mr. Coleman moved the foregoing Committee report be adopted. The motion prevailed. Report adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Merriam moved that S. F. No. 226 and the Conference Committee Report thereon be laid on the table and the Conference Committee Report be printed in the Journal. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 226

A bill for an act relating to employment services; unemployment compensation; administrative expense; amending Minnesota Statutes 1974, Section 268.05, Subdivision 5.

May 9, 1975

The Honorable Alec G. Olson
President of the Senate

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

We, the undersigned conferees for S. F. No. 226 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the House amendment.

We request adoption of this report and repassage of the bill.
Senate Conferees: (Signed) Gene Merriam, Steve Keefe, Roger Hanson.
House Conferees: (Signed) David Beauchamp, Gordon O. Voss, John S. Biersdorf.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Moe moved that H. F. No. 1180 be withdrawn from the Committee on Natural Resources and Agriculture and re-referred to the Committee on Rules and Administration. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 9:30 o'clock a.m., Saturday, May 10, 1975. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate