

SIXTY-EIGHTH DAY

St. Paul, Minnesota, Thursday, February 12, 1976

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. Phil Crum.

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

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

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

Mr. Chmielewski was excused from the Session of today until 11:00 o'clock a.m. Messrs. Gearty, Kowalczyk and Pillsbury were excused from the Session of today at 1:00 o'clock p.m. Mrs. Brataas was excused from the Session of today at 2:00 o'clock p.m. Messrs. Borden and Tennesen were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 9, 1976

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 1976 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 1976 | Date Filed 1976 |
|--------------|--------------|-----------------------------|-----------------------|--------------------|
| | 1741 | 3 | February 6 | February 6 |
| 816 | | 4 | February 6 | February 6 |
| 866 | | 5 | February 6 | February 6 |
| 906 | | 6 | February 6 | February 6 |
| 1507 | | 7 | February 6 | February 6 |

Sincerely,
Joan Anderson Growe, Secretary of State

February 11, 1976

The Honorable Alec Olson
President of the Senate

Sir:

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

S. F. No. 22, An Act relating to education; the establishment of educational cooperative service units to provide educational services and programs on a regional basis; providing for in-service training of teachers; appropriating money therefor.

Sincerely,
Wendell R. Anderson, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Dunn, Ashbach and Bernhagen introduced—

S. F. No. 2036: A bill for an act relating to taxation; providing an income tax credit for commission to coal using facilities; amending Minnesota Statutes 1974, Section 290.06, Subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Mr. Hansen, Baldy; Mrs. Brataas and Mr. Kleinbaum introduced—

S. F. No. 2037: A bill for an act relating to medicine and osteopathy; authorizing continuing education requirements for licensed practitioners; amending Minnesota Statutes 1974, Chapter 147, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Anderson, Sillers and Knutson introduced—

S. F. No. 2038: A bill for an act relating to civil procedure; evidence in medical and allied professional negligence actions.

Referred to the Committee on Judiciary.

Messrs. Hansen, Baldy; Kleinbaum and Kowalczyk introduced—

S. F. No. 2039: A bill for an act relating to insurance; reporting of certain professional liability judgments or settlements.

Referred to the Committee on Judiciary.

Mr. Milton introduced—

S. F. No. 2040: A bill for an act relating to towns; election of officers; submittal of optional plans of town government to electors; amending Minnesota Statutes, 1975 Supplement, Sections 367.03, Subdivision 1; and 367.31, Subdivision 1.

Referred to the Committee on Local Government.

Messrs. Brown, Anderson and Milton introduced—

S. F. No. 2041: A bill for an act relating to education; smoking by students; allowing certain students to smoke in designated smoking areas.

Referred to the Committee on Education.

Mrs. Brataas and Messrs. Kowalczyk and Schrom introduced—

S. F. No. 2042: A bill for an act relating to unemployment compensation; providing for a mandatory eight week disqualification period for individuals voluntarily terminating employment without good cause or discharged for misconduct which is not gross misconduct and providing that those benefits not be paid until the individual is re-employed for two weeks; amending Minnesota Statutes, 1975 Supplement, Section 268.09, Subdivision 1.

Referred to the Committee on Labor and Commerce.

Messrs. Hanson, R. and Pillsbury introduced—

S. F. No. 2043: A bill for an act relating to taxation; providing that unemployment compensation benefits be included in gross income if individual's other gross income exceeds \$10,000; amending Minnesota Statutes, 1975 Supplement, Section 290.01, Subdivision 20.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Kowalczyk and Pillsbury introduced—

S. F. No. 2044: A bill for an act relating to state government; permitting the commissioners of the departments of revenue, welfare, employment services, and labor and industry to exchange data on individuals under certain conditions.

Referred to the Committee on Judiciary.

Messrs. Hanson, R. and Olson, J. L. introduced—

S. F. No. 2045: A bill for an act relating to unemployment compensation; appropriating money to the unemployment compensation fund for the state's share of extended benefits paid in the year 1975 and payable in 1976.

Referred to the Committee on Labor and Commerce.

Messrs. Larson and Bernhagen introduced—

S. F. No. 2046: A bill for an act relating to unemployment compensation; appropriating money to the unemployment compensation fund to reimburse the fund for the state's share of benefits paid in 1975 and payable in 1976 to individuals following a period of disqualification.

Referred to the Committee on Labor and Commerce.

Mr. Hanson, R. introduced—

S. F. No. 2047: A bill for an act relating to unemployment compensation; providing for computation of the weekly benefit amount; amending Minnesota Statutes, 1975 Supplement, Section 268.07, Subdivision 2.

Referred to the Committee on Labor and Commerce.

Messrs. Bernhagen and Kleinbaum introduced—

S. F. No. 2048: A bill for an act relating to unemployment compensation; providing that a person voluntarily terminating employment without good cause is disqualified from benefits; amending Minnesota Statutes, 1975 Supplement, Section 268.09, Subdivision 1.

Referred to the Committee on Labor and Commerce.

Messrs. Conzemius, Stassen and Knutson introduced—

S. F. No. 2049: A bill for an act relating to municipalities within Dakota county providing for financing of the Dakota County League of Municipalities; amending Laws 1967, Chapter 112, Section 1

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Humphrey, O'Neill and Tennesen introduced—

S. F. No. 2050: A bill for an act relating to courts; increasing the jurisdictional limits in conciliation courts of Hennepin county and Ramsey county; requiring personal service of summons; amending Minnesota Statutes 1974, Sections 488A.12, Subdivision 3; 488A.14, Subdivision 4; 488A.29, Subdivision 3; and 488A.31, Subdivision 4.

Referred to the Committee on Judiciary.

Messrs. Chmielewski, Purfeerst and Laufenburger introduced—

S. F. No. 2051: A bill for an act relating to local improvements; council procedure; percentage payment on engineer's estimate; amending Minnesota Statutes 1974, Section 429.041, Subdivision 6.

Referred to the Committee on Local Government.

Mr. Hansen, Baldy introduced—

S. F. No. 2052: A bill for an act relating to the city of Albert Lea; providing that public housing property owned and operated by nonprofit organizations in that city be exempt from property taxation.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Doty and Solon introduced—

S. F. No. 2053: A bill for an act relating to elections; providing for nonpartisan municipal elections in Duluth; amending Minnesota Statutes 1974, Section 205.17.

Referred to the Committee on Transportation and General Legislation.

Messrs. Stassen, Moe and Hanson, R. introduced—

S. F. No. 2054: A bill for an act relating to game and fish; providing for permits to shoot or hunt from a standing vehicle to be issued to temporarily disabled persons; amending Minnesota Statutes, 1975 Supplement, Section 98.48, Subdivision 12.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Solon, Doty and Keefe, S. introduced—

S. F. No. 2055: A bill for an act relating to public employees; administrative expenses of salary deductions for annuity contracts; repealing Minnesota Statutes, 1975 Supplement, Section 356.26.

Referred to the Committee on Governmental Operations.

Messrs. Solon and Doty introduced—

S. F. No. 2056: A bill for an act relating to the city of Duluth; authorizing residential property rehabilitation loans.

Referred to the Committee on Metropolitan and Urban Affairs.

Mr. Solon introduced—

S. F. No. 2057: A bill for an act relating to the city of Duluth; liquor license for the arena-auditorium complex; amending Laws 1967, Chapter 406, Section 1, Subdivision 1.

Referred to the Committee on Labor and Commerce.

Mr. Merriam, Mrs. Brataas and Mr. Davies introduced—

S. F. No. 2058: A bill for an act relating to banks; amending the charter application appeals provisions; amending Minnesota Statutes 1974, Section 45.07.

Referred to the Committee on Labor and Commerce.

Messrs. Hughes, O'Neill and Anderson introduced—

S. F. No. 2059: A bill for an act relating to education; establishing the project for developing school accountability; appropriating money; repealing Minnesota Statutes 1974, Sections 3.925, 3.926, 3.927; and Minnesota Statutes, 1975 Supplement, Section 3.924.

Referred to the Committee on Education.

Mr. Davies introduced—

S. F. No. 2060: A bill for an act relating to commerce; interest rates on money; authorizing variable or indexed principal contracts; amending Minnesota Statutes 1974, Chapter 334, by adding a section.

Referred to the Committee on Labor and Commerce.

Messrs. Stassen and Knutson introduced—

S. F. No. 2061: A bill for an act relating to traffic regulation; providing for traffic and parking regulation by school boards; providing a penalty; amending Minnesota Statutes 1974, Chapter 123, by adding a section.

Referred to the Committee on Transportation and General Legislation.

Messrs. Stassen and Knutson introduced—

S. F. No. 2062: A bill for an act relating to taxation; altering

calculation of levy limit base adjustments; amending Minnesota Statutes, 1975 Supplement, Section 275.52, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Milton and Davies introduced—

S. F. No. 2063: A bill for an act relating to health; providing for medical treatment of indigent patients at licensed Minnesota hospitals; amending Minnesota Statutes 1974, Chapter 158, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Keefe, S.; Humphrey and Lewis introduced—

S. F. No. 2064: A bill for an act relating to taxation; imposing a property tax on residential leasehold interests; amending Minnesota Statutes 1974, Sections 273.13, by adding a subdivision; 278.01; Chapter 276, by adding a section; and Minnesota Statutes, 1975 Supplement, Sections 274.01; 290A.03, Subdivisions 8 and 13; 290A.04, Subdivision 1; 290A.05; 290A.07, Subdivision 2; 290A.09; 290A.10; and 290A.19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Humphrey and Solon introduced—

S. F. No. 2065: A bill for an act relating to labor relations; providing that a successor clause in a collective bargaining agreement is binding on a successor employer; providing that if the successor employer is not notified of the existence of a successor clause, the sale, lease or transfer is voidable; amending Minnesota Statutes 1974, Chapter 179, by adding a section.

Referred to the Committee on Labor and Commerce.

Messrs. Keefe, S. and Milton introduced—

S. F. No. 2066: A bill for an act relating to labor and employment; treatment of gratuities in computation of minimum wages; repealing Minnesota Statutes 1974, Sections 177.23, Subdivision 9; and 177.28, Subdivision 4.

Referred to the Committee on Labor and Commerce.

Mr. Brown introduced—

S. F. No. 2067: A bill for an act relating to game and fish; taking of animals by falconry; amending Minnesota Statutes 1974, Section 100.27, Subdivision 8.

Referred to the Committee on Natural Resources and Agriculture.

Mr. Brown introduced --

S. F. No. 2068: A bill for an act authorizing the conveyance by the state of a certain easement over certain lands in the county of Washington.

Referred to the Committee on Natural Resources and Agriculture.

Mr. Brown introduced—

S. F. No. 2069: A bill for an act relating to retirement; reinstating the right to purchase prior service credit by certain members of the teachers retirement fund; amending Minnesota Statutes 1974, Section 354.51, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Spear introduced—

S. F. No. 2070: A bill for an act relating to highways; adding a new route to the trunk highway system in substitution of an existing route.

Referred to the Committee on Transportation and General Legislation.

Mr. Gearty introduced—

S. F. No. 2071: A bill for an act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1974, Sections 15A.083, Subdivision 4; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.03; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivisions 1 and 2; 271.12; 271.13; 271.14; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; and Minnesota Statutes, 1975 Supplement, Section 124.212, Subdivision 11; repealing Minnesota Statutes 1974, Sections 271.001; 271.01, Subdivisions 2 and 3; 271.06, Subdivision 5; 271.11; and 271.16.

Referred to the Committee on Judiciary.

Mr. Gearty introduced—

S. F. No. 2072: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 4; providing four year terms for members of the house of representatives.

Referred to the Committee on Transportation and General Legislation.

Mr. Gearty introduced—

S. F. No. 2073: A bill for an act relating to courts; allowance of attorneys fees upon appeal or removal from conciliation court; amending Minnesota Statutes 1974, Sections 488A.17, Subdivision 10; 488A.34, Subdivision 9; and Minnesota Statutes, 1975 Supplement, Section 487.30, Subdivision 1.

Referred to the Committee on Judiciary.

Mr. Gearty introduced—

S. F. No. 2074: A bill for an act relating to retirement; purchase of service credit by certain state employees or former employees; amending Minnesota Statutes 1974, Section 352.021, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Gearty and Hansen, Mel introduced—

S. F. No. 2075: A bill for an act relating to retirement; approval of benefits and contributions of teachers' retirement associations in cities of the first class; benefits and contributions in the city of Minneapolis; amending Minnesota Statutes, 1975 Supplement, Section 354A.12.

Referred to the Committee on Governmental Operations.

Messrs. Lewis, Brown and Conzemius introduced—

S. F. No. 2076: A bill for an act relating to corrections; amending Minnesota Statutes 1974, Section 241.01, by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Ueland introduced—

S. F. No. 2077: 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; providing for the financing thereof; amending Laws 1975, Chapter 249, Section 1, Subdivision 1; and Section 2.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Purfeerst, Renneke and Conzemius introduced—

S. F. No. 2078: A bill for an act relating to metropolitan revenue distribution; changing the method of computing the

taxable valuation of certain governmental units; amending Minnesota Statutes 1974, Section 473F.08, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Tennesen and Humphrey introduced—

S. F. No. 2079: A bill for an act relating to garnishment; amending Minnesota Statutes 1974, Sections 550.02; 550.37, Subdivision 13; 571.41, Subdivisions 1 and 2; 571.55, Subdivisions 1 and 2; 571.57; 571.67; and Chapter 571, by adding sections; repealing Minnesota Statutes 1974, Sections 571.47; 571.48; and 571.49.

Referred to the Committee on Judiciary.

Messrs. Stassen, Knutson and O'Neill introduced—

S. F. No. 2080: A bill for an act relating to elections; providing for election of officers of cities of the first class without party designation; amending Minnesota Statutes 1974, Section 205.17, Subdivisions 1 and 3; and Minnesota Statutes, 1975 Supplement, Section 202A.28; repealing Minnesota Statutes 1974, Section 205.17, Subdivisions 2 and 4.

Referred to the Committee on Transportation and General Legislation.

Messrs. Purfeerst; Hanson, R. and Laufenburger introduced—

S. F. No. 2081: A bill for an act relating to motor vehicles; increasing the registration tax on certain vehicles; prescribing weight limitations on certain vehicles; providing penalties; amending Minnesota Statutes 1971, Section 168.013, Subdivisions 1c, 1e, 1g and 12, as amended; Minnesota Statutes 1974, Sections 168.012, Subdivision 7; 168.31, Subdivision 3; 169.83, Subdivisions 1, 2 and 3; 169.86, Subdivision 5, and by adding a subdivision; Minnesota Statutes, 1975 Supplement, Section 169.85; repealing Minnesota Statutes 1974, Section 169.831.

Referred to the Committee on Transportation and General Legislation.

Mr. Perpich, A. J. introduced—

S. F. No. 2082: A bill for an act relating to taxation; providing for payments from the taconite municipal aid account to certain cities and towns; amending Minnesota Statutes 1974, Section 298.282, Subdivision 2, and by adding subdivisions.

Referred to the Committee on Taxes and Tax Laws.

Mr. Perpich, A. J. introduced—

S. F. No. 2083: A bill for an act directing the sale of a certain parcel of tax forfeited land in St. Louis county.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Schmitz, Larson and Lewis introduced—

S. F. No. 2084: A bill for an act relating to peace officer training; providing that peace officers in governmental units of less than 1,000 population may not carry firearms or make arrests without peace officer training; amending Minnesota Statutes 1974, Section 626.846, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Borden and Merriam introduced—

S. F. No. 2085: A bill for an act relating to credit unions; authority of state chartered credit unions; amending Minnesota Statutes, 1975 Supplement, Section 52.04.

Referred to the Committee on Labor and Commerce.

Messrs. Knutson, Lewis and Humphrey introduced—

S. F. No. 2086: A bill for an act relating to education; school boards; providing for the appointment of student members of school boards; amending Minnesota Statutes, 1975 Supplement, Section 123.34, Subdivision 1.

Referred to the Committee on Education.

Messrs. Merriam; Hanson, R. and Kleinbaum introduced—

S. F. No. 2087: A bill for an act relating to workers' compensation insurance; providing for the approval of rates and classifications by the commissioner of insurance after a hearing; providing for a hearing procedure; requiring the commissioner to employ an actuary; permitting the commissioner to assess a fee to workers' compensation insurers; appropriating money; amending Minnesota Statutes 1974, Sections 60B.39, Subdivision 5; 79.01, Subdivision 1; 79.07; 79.09; 79.10; 79.11; 79.13; 79.17; 79.21; 79.24; 79.25; 79.26; 79.27; 79.29; 79.30; 79.31; 79.32; 176.185, Subdivision 1; and Chapter 79, by adding sections; Minnesota Statutes, 1975 Supplement, Section 79.28.

Referred to the Committee on Labor and Commerce.

Messrs. Kleinbaum, Ueland and Humphrey introduced—

S. F. No. 2088: A bill for an act relating to education; requiring state universities and state community colleges to accept at full value all college and university level credits earned at the university of Minnesota or at any other state university or state community college; urging the university of Minnesota to so accept state university and state community college credits.

Referred to the Committee on Education.

Messrs. Spear, Knutson and Merriam introduced—

S. F. No. 2089: A bill for an act relating to real estate; mortgage foreclosures; providing for additional service of notice of sale; amending Minnesota Statutes 1974, Sections 580.03; 580.15; and 581.01.

Referred to the Committee on Judiciary.

Mr. Arnold introduced—

S. F. No. 2090: A bill for an act relating to the legislature; legislative advisory committee; providing additional membership on the committee; amending Minnesota Statutes 1974, Section 3.30, Subdivision 2.

Referred to the Committee on Governmental Operations.

Mr. Arnold introduced—

S. F. No. 2091: A bill for an act relating to taxation; imposing a use tax on certain vehicles owned by foreign business and providing transportation services in the state; amending Minnesota Statutes 1974, Chapter 297A, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sillers, Renneke and Keefe, J. introduced—

S. F. No. 2092: A bill for an act relating to taxation; inheritance and gift taxes; increasing the amounts of certain exemptions; removing discriminatory sex provisions; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 291.10; 291.14, Subdivision 2; 292.05, Subdivision 1; and 292.07, Subdivisions 3 and 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sillers, Frederick and Keefe, J. introduced—

S. F. No. 2093: A bill for an act relating to taxation; inheritance and gift taxes; reducing the taxes imposed thereon; removing discriminatory sex provisions; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 292.05, Subdivision 1; and 292.07, Subdivisions 2, 3, and 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sillers, Frederick and Keefe, J. introduced—

S. F. No. 2094: A bill for an act relating to taxation; providing an average limitation on income tax for individuals; amending Minnesota Statutes 1974, Chapter 290, by adding a section.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Sillers, Renneke and Josefson introduced—

S. F. No. 2095: A bill for an act relating to taxation; altering the presumption of ownership on property jointly owned by husband and wife; amending Minnesota Statutes 1974, Section 291.01, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Mr. North introduced—

S. F. No. 2096: A bill for an act relating to metropolitan government; changing the metropolitan parks and open space commission to the metropolitan parks, arts and recreation commission and prescribing its powers and duties; authorizing the metropolitan council to issue bonds and levy taxes therefor; authorizing the commission to impose an admissions tax; imposing a transient lodging tax in the metropolitan area; requiring the completion of an environmental impact statement prior to construction of a new sports facility; requiring a certificate of need for regional recreational facilities; amending Minnesota Statutes 1974, Chapter 473, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivisions 7 and 14; 473.146, by adding a subdivision; 473.147; 473.301; 473.302; and 473.303, Subdivision 1; repealing Minnesota Statutes 1974, Section 340.11, Subdivision 11a.

Referred to the Committee on Metropolitan and Urban Affairs.

Messrs. Hansen, Mel; Keefe, S. and Brown introduced—

S. F. No. 2097: A bill for an act relating to elections; providing for additional attestations for certain absentee ballots; amending Minnesota Statutes 1974, Section 207.08.

Referred to the Committee on Transportation and General Legislation.

Mr. Gearty introduced—

S. F. No. 2098: A bill for an act relating to torts; defining the state's liability for torts.

Referred to the Committee on Judiciary.

Mr. Gearty introduced—

S. F. No. 2099: A bill for an act relating to the operation and structure of state government; eliminating certain qualifications for the office of commissioner of personnel; amending Minnesota Statutes 1974, Section 43.001, Subdivision 2.

Referred to the Committee on Governmental Operations.

Messrs. Merriam; Hanson, R. and Laufenburger introduced—

S. F. No. 2100: A bill for an act relating to insurance; defining persons entitled to participate in the assigned claims plan for motor vehicle injuries; amending Minnesota Statutes 1974, Section 65B.64, Subdivision 1.

Referred to the Committee on Labor and Commerce.

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 234.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned February 11, 1976

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. 1405: A bill for an act relating to the city of Edina; establishing terms for certain municipal offices.

Senate File No. 1405 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned February 11, 1976

CONCURRENCE AND REPASSAGE

Mr. Bang moved that the Senate concur in the amendments by the House to S. F. No. 1405 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1405 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|----------|-----------|---------------|-------------|-----------|
| Anderson | Bernhagen | Dunn | Hansen, Mel | Keefe, S. |
| Arnold | Brown | Fitzsimons | Hanson, R. | Kirchner |
| Ashbach | Coleman | Frederick | Hughes | Kleinbaum |
| Bang | Davies | Gearty | Jensen | Knutson |
| Berg | Doty | Hansen, Baldy | Josefson | Kowalczyk |

| | | | | |
|--------------|--------------|----------------|---------|-----------|
| Larson | Nelson | Patton | Schaaf | Stokowski |
| Laufenburger | Olhoff | Perpich, A. J. | Schmitz | Stumpf |
| Merriam | Olson, A. G. | Perpich, G. | Schrom | Ueland |
| Milton | Olson, H. D. | Pillsbury | Sillers | Wegener |
| Moe | Olson, J. L. | Purfeerst | Solon | Willet |

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

MESSAGES FROM THE HOUSE—CONTINUED

the passage by the House of the
following: herewith transmitted:

H. F. Nos. 814, 1061 and 1995.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 9, 1976

Mr. President:

I have the honor to announce the passage by the House of the following House Files. herewith transmitted.

H. F. Nos. 568 and 1284.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 10, 1976

FIRST READING OF HOUSE BILLS

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

H. F. No. 814: A bill for an act relating to taxation; authorizing an increase in fees charged for preparation of delinquent tax, current tax and federal tax lien certificates; amending Minnesota Statutes 1974, Sections 272.12; 272.47; and 272.483.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 1061: A bill for an act relating to ethics in government; redefining political party; amending Minnesota Statutes 1974, Section 10A.27, Subdivision 4.

Referred to the Committee on Rules and Administration.

H. F. No. 1995: A bill for an act relating to education; eye protection requirements for certain industrial and scientific courses; defining industrial quality eye protective devices; amending Minnesota Statutes 1974, Section 126.20, Subdivision 6.

Referred to the Committee on Labor and Commerce.

H. F. No. 568: A bill for an act relating to public utilities; restricting construction of electric transmission lines to certain areas; amending Minnesota Statutes 1974, Section 116C.57, by adding a subdivision.

Referred to the Committee on Labor and Commerce.

H. F. No. 1284: A bill for an act relating to aeronautics; providing for airport zoning regulation by municipalities and joint airport zoning boards; amending Minnesota Statutes 1974, Sections 360.063, Subdivisions 1, 3, and 5, and by adding a subdivision; 360.067, Subdivision 4; 360.069; and 360.071, Subdivision 2; repealing Minnesota Statutes 1974, Section 360.063, Subdivision 2.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S. F. No. 1784 and reports pertaining to appointments. The motion prevailed.

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

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

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

Page 2, lines 4 and 16, strike "*17 of this act*" and insert "*18*"

Page 2, lines 20 to 21, strike "*of this act*"

Page 2, strike line 13 after "*Sec. 2.*"

Page 2, strike line 14

Page 2, line 15, strike "*Sec. 144A.*"

Page 2, line 29, strike "*capital*" and insert "*public*"

Page 2, line 31, after "*and the*" insert "*financial*"

Page 2, line 32, strike "*current*"

Page 3, line 1, strike "*operating expense of the*"

Page 3, line 5, strike "*of this act*"

Page 3, line 15, strike the comma and insert a semicolon

Page 3, line 32, and page 4, lines 1 to 7, strike all of subdivision 11

Page 4, strike line 8 after "Sec. 3."

Page 4, strike line 9

Page 4, line 10, strike "*Sec. 144B.*"

Page 4, line 11, strike "*may*" and insert "*shall*"

Page 4, line 12, strike "*4*" and insert "*473.127*" and in lines 12 and 13 strike "*officials of local governmental units*" and insert "*members*"

Page 4, line 16, after the period, insert "*At least one half of the members of the advisory committee shall be elected officials of local governmental units. The members shall be appointed for the same period as the term of the council member for the district in which the member resides.*"

Page 4, strike line 17 after "Sec. 4."

Page 4, strike line 18

Page 4, line 19, strike "*Sec. 144C.*"

Page 4, lines 21 and 24, strike "*17 of this act*" and insert "*18*"

Page 4, strike line 25 after "Sec. 5."

Page 4, strike line 26

Page 4, line 27, strike "*Sec. 144D.*"

Page 4, line 28, strike "*1976*" and insert "*1977*"

Page 5, line 1, strike "*appropriate*"

Page 5, line 6, strike "*as appropriate*"

Page 5, line 16, strike the period and insert a semicolon

Page 5, after line 16, insert a new paragraph to read:

"(c) Any parts of the land use plan, public facilities plan or implementation program which may be excluded from the plan of the local governmental unit. The exclusion of parts shall be based on the nature and character of existing and projected development within each local governmental unit and on policies, statements, and recommendations contained in metropolitan systems plans."

Page 5, strike lines 17 to 23 and insert:

"Subd. 2. Within 60 days following the receipt of a metropolitan systems statement, a local governmental unit may by resolution request that the metropolitan council modify any portion of the metropolitan systems statement. A request for modification shall be accompanied by an explanation of the reasons for the request. The council shall refer

the request to the advisory metropolitan land use committee for a hearing under section 12. If no request for a hearing is received by the council within 60 days following receipt of the systems statement by the local governmental unit, the statement shall be final and not be subject to a request for a hearing under section 12."

Page 5, strike line 24 after "Sec. 6."

Page 5, strike line 25

Page 5, line 26, strike "*Sec. 144E.*"

Page 5, line 30 and line 31, strike "*17 of this act*" and insert "*18*"

Page 6, line 1, strike "*of this act*"

Page 6, lines 2, 15 and 24, strike "*17 of this act*" and insert "*18*"

Page 6, strike line 25, after "Sec. 7."

Page 6, strike line 26

Page 6, line 27, strike "*Sec. 144F.*"

Page 7, line 11, strike "*17 of this act*" and insert "*18*"

Page 7, line 21, strike "*also*"

Page 7, line 23, strike "*28*" and insert "*473.204*" and after the period insert: "*The land use plan shall also include a housing element containing standards, plans and programs for providing adequate housing opportunities to meet existing and projected local and metropolitan housing needs.*"

Page 8, lines 13 and 14, strike "*, fiscal devices*"

Page 8, line 15, after the period, insert "*The implementation program may include a discussion of the valuation of property pursuant to Minnesota Statutes, Section 273.11, the designation of permanent rural service districts, pursuant to Minnesota Statutes, Section 272.67, and the establishment of development districts pursuant to Minnesota Statutes, Section 472A.01 to 472A.13 and any other statute authorizing the creation of districts in which the use of tax increment bonding is authorized.*"

Page 8, strike line 22 after "Sec. 8."

Page 8, strike line 23

Page 8, line 24, strike "*Sec. 144G.*"

Page 8, lines 28 and 29, strike "*of this act*"

Page 8, line 32, strike "*of*"

Page 9, line 1, strike "*this act*"

Page 9, line 9, strike "*1975*" and insert "*1976*"

Page 9, line 17, strike "Laws 1975, Chapter 13, Section 19" and insert "Minnesota Statutes, 1975 Supplement, Section 473.175"

Page 9, line 19, strike "Sec. 19." and delete the brackets around "473.175"

Page 10, line 6, after "may" insert ", by resolution,"

Page 10, line 7, strike ", solely to" and insert "*which may have a substantial impact on or contain a substantial departure from*"

Page 10, line 8, strike "ensure conformity with"

Page 10, line 11, strike "17 of this act" and insert "18"

Page 10, line 18, after "unit" insert ", until a final decision, order, or judgment has been made pursuant to this section or section 12,"

Page 10, line 20, after the period insert "*The local governmental unit, within 60 days of the receipt of the required modifications may by resolution request that a hearing be held under section 12. If, within 60 days, a request for a hearing under section 12 has not been received, the council decision shall make its final decision on the required modifications.*"

Page 10, line 30, strike the second "may" and insert "shall"

Page 11, lines 11 and 12, strike "1 to 17 of this act" and insert "6 to 11, and 15,"

Page 11, line 13, strike "17 of this act" and insert "18"

Page 11, line 20, strike "1977" and insert "1978"

Page 11, strike line 29 after "Sec. 10."

Page 11, strike line 30

Page 11, line 31, strike "Sec. 144H."

Page 12, line 4, strike "of this act" and insert "*and following a final decision, order, or judgment pursuant to sections 9 or 12*"

Page 12, line 5, before "plans" insert "comprehensive"

Page 12, strike line 8 after "Sec. 11."

Page 12, strike line 9

Page 12, line 10, strike "Sec. 144I."

Page 12, after line 22, insert a section to read:

"Sec. 12. [473.192] [HEARING PROCEDURE.] *Subdivision 1. Upon a request for a hearing under section 5, subdivision 2, or section 9, subdivision 2, the council shall refer the request to the advisory metropolitan land use committee. Unless the request for a hearing includes a request for a hearing examiner, the committee shall review the systems statement or the council required modifications, and submit its findings of facts and recommendations to the council. A hearing at which the review will take place shall be held within 60 days following the request, provided that the committee may consolidate hearings on related requests. Within 30 days after the receipt of the findings and recommendations, the council shall, by resolution containing findings of fact and conclusions, make a final determination respecting the proposed metropolitan systems statement, or required modifications of the comprehensive plan.*

Subd. 2. Any local governmental unit, upon the referral of a matter to the advisory committee under subdivision 1, may request that a hearing be conducted by the state office of hearing examiners in the manner provided in chapter 15 for contested cases. If a request for a hearing is made, the hearing shall be held by the examiner within 60 days, and the examiner shall forward his report directly to the council. Upon receipt of the report of the hearing examiner, the council shall make its final decision respecting the systems statement or required modification of the comprehensive plan in the manner provided in chapter 15 for contested cases. The party requesting the use of a hearing examiner shall be responsible for the costs of the hearing.

Subd. 3. A hearing conducted under subdivisions 1 and 2 shall consider the content of the systems statement and the factual assumptions upon which it was based; or in hearings on required modifications, the nature and significance of the alleged impact upon or departure from a metropolitan systems plan, the consistency of the recommendation of the council with other similar council action, and the support for and reasonableness of the recommended action of the council. The hearings shall not consider the need for or reasonableness of the metropolitan systems plans or parts thereof.

Subd. 4. At any point in the procedure established in this section, the council and the local governmental unit may resolve their disagreement by stipulation. Any local governmental unit or other person aggrieved by a final council order pursuant to sections 5, 9, or this section, may appeal the council order pursuant to Minnesota Statutes, Sections 15.0424, 15.0425, and 15.0426, for contested cases. The council, unit, district or other person aggrieved by a final order or judgment rendered on appeal to the district court may appeal therefrom to the supreme court in the manner provided in civil actions. The report of the hearing examiner or advisory committee shall be a part of the record upon which judicial review is based and shall be considered by the court in determining whether the council's final action is supported by substantial evidence and not arbitrary and capricious."

Page 12, strike line 23 after "Sec. 12."

Page 12, strike line 24

Page 12, line 25, strike "Sec. 21A."

Page 12, lines 28, and 31 to 32, strike "17 of this act" and insert "18"

Page 13, strike line 30 after "Sec. 13."

Page 13, strike line 31

Page 13, line 32, strike "Sec. 144J."

Page 14, lines 2 to 3, strike "17 of this act" and insert "18"

Page 14, lines 14 and 15, strike "of this act"

Page 14, line 16, strike "1974"

Page 14, strike line 21 after "Sec. 15."

Page 14, strike line 22

Page 14, line 23, strike "Sec. 144K."

Page 15, line 24, strike "*of this act*"

Page 16, lines 3 to 4, strike "*16 of this act*" and insert "17"

Page 16, lines 4 to 5, strike "*Laws 1975, Chapter 13*" and insert "*Minnesota Statutes, Chapter 473*"

Page 16, line 6, after "*system*" insert a period and strike the remainder of the line and also lines 7 and 8.

Page 16, lines 9 to 11, strike all of Sec. 18

Renumber the sections in sequence

Further amend the title as follows:

Page 1, lines 12 and 13, strike "*Laws 1975, Chapter 13, Section 19, and by adding sections*" and insert "*Minnesota Statutes, 1975 Supplement, Section 473.175*"

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. 1901: A bill for an act relating to cooperative associations; providing for changes in the electing of directors; amending Minnesota Statutes 1974, Sections 308.09, Subdivision 1; and 308.11.

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

Page 2, line 27, after the period insert "*If any member of an association is a family farm corporation within the meaning of section 500.24, subdivision 1, clause (c), or an authorized farm corporation within the meaning of section 500.24, subdivision 1, clause (d), the member may elect or appoint any one stockholder of such corporation residing on or actively operating the farm who shall be eligible for election to the board of directors.*"

Page 2, line 28, after "*person*" insert "*, family farm corporation, or an authorized farm corporation,*"

Page 2, line 30, after "*or*" and before "*more*" insert "*, in the case of associations wholly constituted of other cooperative associations, one or*"

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. 1813: A bill for an act authorizing the conveyance by the state of certain lands located in Roseau county.

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

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

H. F. No. 1880: A bill for an act relating to state lands; conveyance; authorizing the conveyance by the state of certain lands in the county of Kittson.

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

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

S. F. No. 995: A bill for an act relating to agriculture; requiring the regulation of the spraying and dusting of crops; requiring the regulation of agricultural pest control; weed seed; regulating economic poisons and devices; amending Minnesota Statutes 1974, Sections 18.033, by adding a subdivision; 18A.07; 21.47, Subdivisions 8 and 9; 21.49, Subdivision 1; and 24.074.

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

Strike everything after the enacting clause and insert the following:

"Section 1. [DEFINITIONS.] Subdivision 1. For the purpose of administering sections 1 to 25, the words and terms defined in this section have the meanings given them.

Subd. 2. "Active ingredient" means any ingredient which will prevent, destroy, repel, control, or mitigate any pests, or which acts as a plant regulator, defoliant, or desiccant.

Subd. 3. "Administrator" means the administrator of the United States environmental protection agency.

Subd. 4. "Adulterated" means any pesticide the strength or purity of which falls below the standard of quality as expressed on the labeling under which it is sold, any pesticide for which any substance has been substituted wholly or in part, or any pesticide from which any valuable constituent has been wholly or in part abstracted.

Subd. 5. "Approved agency" means an agency of a county, municipality or other political subdivision which has inspection personnel capable of carrying out the provisions of sections 1 to 25 and which has signed an agreement pursuant to Minnesota Statutes, Section 471.59.

Subd. 6. "Beneficial insects" means those insects which during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.

Subd. 7. "Certified applicator" means an individual, including persons defined as commercial applicator, noncommercial applicator, private applicator, and structural pest control applicator, certified under sections 1 to 25 to use or supervise the use of any restricted use pesticide.

Subd. 8. "Commercial applicator" means a certified applicator other than a private applicator or noncommercial applicator who uses or supervises the use of any pesticide for any purpose or on any land.

Subd. 9. "Commissioner" means the commissioner of agriculture or his agent.

Subd. 10. "Device" includes any instrument, contrivance, or equipment other than a firearm, used for the application of pesticides when sold separately therefrom, intended for trapping, destroying or repelling pests.

Subd. 11. "Distribute" means to offer for sale, sell, barter, ship, deliver for shipment, receive and deliver, and offer to deliver pesticides in this state.

Subd. 12. "Environment" includes water, air, land, plants, man, and animals and their inter-relationships.

Subd. 13. "EPA" means the United States environmental protection agency.

Subd. 14. "FIFRA" means the federal insecticide, fungicide, rodenticide act, as amended.

Subd. 15. "Imminent hazard" means the continued use of a pesticide, during the time required for cancellation proceedings, which will likely result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the United States secretary of the interior under P.L. 91-135.

Subd. 16. "Ingredient statement" means a statement which contains the name and percentage of each active ingredient, the total percentage of all inert ingredients in the pesticide and, if the pesticide contains arsenic in any form, the percentages of total and water soluble arsenic each calculated as elemental arsenic.

Subd. 17. "Label" means the written, printed or graphic matter on, or attached to, the pesticide or device or any of their containers or wrappers.

Subd. 18. "Labeling" means all labels and other written, printed, or graphic matter:

(a) upon any pesticide or device or any of their containers or wrappers;

(b) accompanying the pesticide or device;

(c) to which reference is made on the label or literature accompanying the pesticide or device; or

(d) which relates or refers to the pesticide or device for the purpose of inducing the sale thereof.

Current official publications of the EPA, United States department of agriculture, United States department of interior, United States department of health, education and welfare, state agricultural experiment stations, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides are not labeling.

Subd. 19. "Land" means all land and water areas including air space and all plants, animals, structures, buildings, contrivances and machinery whether fixed or mobile, including anything used for transportation.

Subd. 20. "Licensed pesticide dealer" means any pesticide dealer licensed by the commissioner who sells to the ultimate consumer or any person licensed by the commissioner purchasing from an unlicensed source for his own use any restricted use pesticide.

Subd. 21. "Misbranded" applies to any pesticide or device that is an imitation of or is offered for sale under the name of another pesticide or a pesticide the labeling of which does not comply with the labeling requirements of sections 1 to 25 or rules promulgated thereunder, or the FIFRA and regulations promulgated thereunder.

Subd. 22. "Noncommercial applicator" means a person, including government officials, other than a commercial applicator, structural pest control applicator or private applicator who uses or supervises the use of restricted use pesticides on lands.

Subd. 23. "Person" means any individual, firm, corporation, partnership, association, trust, joint stock company or unincorporated organizations.

Subd. 24. "Pest" means any insect, rodent, nematode, fungus, weed, terrestrial or aquatic plant, animal life, virus, bacteria, or other organism which the commissioner by rule declares to be a pest except virus, bacteria, or other micro-organism on or in living man or other living animals.

Subd. 25. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subd. 26. "Plant regulator" means any substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or rate of maturation of a plant, or to otherwise alter the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

Subd. 27. "Private applicator" means a person who uses or supervises the use of any restricted use pesticide for the purpose of producing any agricultural commodity on land owned or rented by him or his employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the land of another person.

Subd. 28. "Protect the environment" means to protect against any unreasonable adverse effects on the environment other than on pests.

Subd. 29. "Registrant" means a person who has registered any pesticide under sections 1 to 25.

Subd. 30. "Restricted use pesticide" means any pesticide formulation designated under FIFRA or by the commissioner under sections 1 to 25 which when used in accordance with the directions for use and for the uses for which it is registered requires additional restrictions as to the rates, areas, times and conditions of use to protect the environment.

Subd. 31. "Spraying or dusting operations for hire" means the application for compensation of pesticides or plant growth regulators to land in any manner to regulate plant growth or to control or eradicate pests.

Subd. 32. "Structural pest" means pests in, on, under, or within six feet of any structure.

Subd. 33. "Structural pest control" means to control any pest through the use of any device, procedure, or application of pesticide in any house or in other structures including trucks, boxcars, ships, aircraft, docks, warehouses, and in fumigation vaults, and all business activity related to use of the device, procedure, or application of pesticide.

Subd. 34. "Structural pest control applicator" means any person engaged in structural pest control work for hire on the lands of another.

Subd. 35. "Under the direct supervision of a certified applicator" means, unless otherwise prescribed by its labeling, a pesticide applied by a person acting under the instruction and control of a certified applicator who is available even though such certified applicator is not physically present at the time and place the pesticide is applied.

Subd. 36. "Unreasonable adverse effects on the environment" means any unreasonable risk to the environment, considering the economic, social and environmental costs and benefits of the use of any pesticide.

Subd. 37. "Wildlife" means all living things that are neither human, domesticated, nor defined in sections 1 to 25.

Sec. 2. [REGISTRATION, SALES, FEE.] Subdivision 1. Every pesticide offered for sale, sold or distributed in this state shall be registered with the commissioner. Registration shall be renewed annually prior to January 1. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at the plant or warehouse as a constituent part to make a pesticide which is registered under the provisions of sections 1 to 25.

Subd. 2. The applicant for registration shall file with the commissioner a statement which shall include:

(a) *The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;*

(b) *The name of the pesticide;*

(c) *Other necessary information required by the registration form;*

(d) *A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in FIFRA.*

Subd. 3. The commissioner may require the submission of the complete formula of any pesticide including the active and inert ingredients.

Subd. 4. The commissioner may require the submission of other information.

Subd. 5. Each application for registration and renewal shall be accompanied by a registration fee of \$10 for each pesticide registered. All such registrations shall expire on December 31 of any one year, unless cancelled.

Subd. 6. Any registration in effect on December 31 for which a renewal application has been made and the proper fee paid, shall continue in full force and effect until such time as the commissioner notifies the applicant that the registration has been renewed or until the registration is denied or cancelled.

Subd. 7. If the renewal of a pesticide registration is filed after December 31, or an original application is filed after the first month the pesticide is first manufactured or sold within this state, an additional fee of \$5 shall be paid by the applicant before the registration for that pesticide may be issued or renewed.

Subd. 8. The commissioner shall not make lack of essentiality a criterion for denying registration of any pesticide.

Sec. 3. [SPECIAL LOCAL NEEDS.] *If the state is certified by the administrator to register pesticides to meet special local needs, the applicant shall supply the information required by section 2 and the commissioner shall, subject to the terms and conditions of certification, register such pesticide if he determines that:*

(a) *Its composition is such as to warrant the proposed claims for it;*

(b) *Its label and other material required to be submitted comply with the requirements of sections 1 to 25;*

(c) *It will perform its intended function without unreasonable adverse effect on the environment;*

(d) *When used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment;*

(e) *The proposed classification for general use or restricted use, or both, is in conformity with FIFRA;*

(f) *A special local need exists.*

The commissioner may require a full description of tests and test results upon which claims are based for any pesticide not registered pursuant to section 3 of FIFRA, or for any pesticide on which restrictions are being considered.

The commissioner may require other information. The applicant may request confidentiality of information submitted pursuant to section 15 of this act.

Sec. 4. [EXPERIMENTAL USE PERMITS.] *If the state is authorized by the administrator to issue experimental use permits, the commissioner may:*

(a) Issue an experimental use permit if he determines that the applicant needs the permit in order to accumulate information necessary to register a pesticide under section 2. An application for an experimental use permit may be filed at any time;

(b) Refuse to issue an experimental use permit if he determines that issuance of such permit is not warranted or that the use to be made of the pesticide under the proposed terms and conditions may cause unreasonable adverse effects on the environment;

(c) Prescribe terms, conditions, and period of time for the experimental use permit; and

(d) Revoke or modify an experimental use permit at any time if he finds that its terms or conditions are being violated, or that its terms and conditions are inadequate to avoid unreasonable adverse effects on the environment.

Sec. 5. [CERTIFICATION REQUIREMENTS; PROHIBITION.] *No person shall use or supervise the use of any restricted use pesticide without first complying with the certification requirements of sections 1 to 25, and with any other conditions determined by the commissioner to be necessary to prevent unreasonable adverse effects on the environment. A person who is not a certified applicator may use a restricted use pesticide under the direct supervision of a certified applicator.*

Sec. 6. [LICENSE, REGISTRATION, DEALER, APPLICATOR, FEE.] **Subdivision 1. [RESTRICTED USE PESTICIDE DEALER LICENSE.]** *(a) Any person offering for sale or having in his possession with intent to distribute to the ultimate user a restricted use pesticide and any private applicator purchasing from an unlicensed source for his own use any restricted use pesticide shall obtain a license from the commissioner. Application for a restricted use pesticide dealer license shall be made upon the forms and in the manner, which may include an examination, as the commissioner requires to determine if the applicant is qualified to sell restricted use pesticides.*

(b) Application for a license requires payment of a fee of \$35. Licenses shall be renewed annually prior to January 1, upon receipt of a \$35 fee and the completed application form.

(c) If an application for renewal of a restricted use pesticide dealer license is not filed prior to January 1 of any one year, an

additional fee of \$10 shall be paid by the applicant before the renewal license may be issued.

(d) The dealer license shall not be transferable to another person or to another location.

(e) Each licensed restricted use pesticide dealer shall be responsible for the acts of each person employed by him in the solicitation and sale of restricted use pesticides.

(f) Provisions of this subdivision shall not apply to:

(1) A licensed commercial applicator, noncommercial applicator or structural pest control applicator who sells or uses pesticides only as an integral part of his pesticide application service;

(2) A federal, state, county, or municipal agency which provides pesticides only for its own programs; and

(3) A duly licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in man or other animal in his practice.

Subd. 2. [COMMERCIAL APPLICATOR LICENSE.] *(a) No commercial applicator shall use or supervise the use of any pesticide without a commercial applicator's license issued by the commissioner. Application for the license shall be made upon forms and in such manner, which may include an examination, as the commissioner may require. An aerial applicator shall secure an endorsement to his license showing that he has been licensed for commercial spraying or dusting operations, or both, in accordance with Minnesota Statutes, Chapter 360, and that he has passed an examination prepared by the department of aeronautics and administered by the department of agriculture, testing whether he is knowledgeable in the aerial application of pesticides. A person intending to apply pesticides in any public waters shall secure an endorsement to his license showing that he has passed an examination prepared by the department of natural resources and administered by the department of agriculture, testing whether he is knowledgeable in the application of pesticides in water.*

(b) The commissioner may renew any applicator's license, subject to reexamination or other requirements imposed by the commissioner to ensure that the applicator understands changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(c) Each application for a license shall require payment of an annual fee of \$10 and an identification card fee of \$7.50 for the applicant and \$7.50 for each additional identification card desired.

(d) If the renewal application is not filed prior to March 1 in any year, an additional fee of \$5 shall be paid by the applicant before the renewal license may be issued.

(e) The license issued shall not be transferable to another person.

(f) Every licensee or his designated operator shall have an identification card when applying pesticides for hire and shall dis-

play it upon demand of an authorized representative of the commissioner or a law enforcement officer. The identification card shall contain such information as the commissioner may by rule require.

(g) A person required to be licensed under this subdivision who carries on spraying or dusting operations for hire or who employs or engages an applicator to carry on spraying or dusting operations for hire, shall be responsible for proper application of the material or device. He shall use materials, dosages, formulas, devices and methods of application acceptable to the commissioner based upon registered approved uses of the material or device within limits prescribed by state and federal laws and regulations. He shall not be held liable for the actions of a chemical when applied in accordance with the recommendation of the manufacturer and the commissioner.

Subd. 3. [STRUCTURAL PEST CONTROL APPLICATOR LICENSE, REGISTRATION.] (a) No person shall engage in structural pest control applications for hire unless registered or licensed by the commissioner. Before any person shall engage in structural pest control application he shall apply on forms supplied by the commissioner for a registration or license to engage in such activities. The commissioner shall determine from the application and the statements contained therein if such applicant is qualified to be registered or to receive a license. The commissioner shall require the applicant to pass a written or an oral examination, or both, and may also require a practical demonstration regarding structural pest control. The examination procedure, including all the phases and contents of the examination, shall be established by the commissioner.

(b) A registration or license is effective until January 1 next following the date of its issuance, and may be renewed annually on or before that date. Registrations or licenses are not transferable to any other person.

(c) An annual fee of \$15 must accompany an application for registration or renewal where the applicant is licensed by a political subdivision or municipality to engage in structural pest control or \$75 if the applicant is not so licensed. Employees of a person who is registered or licensed under this subdivision shall pay a fee of \$10 for an initial license or registration and a fee of \$6 for each renewal thereof. The commissioner may establish other requirements for renewal as are necessary to assure competence of registrants or licensees.

(d) In case a delinquency in the payment of the license or registration renewal fee extends beyond three months the licensee or registrant will be required to obtain a new license or registration subject to all the requirements, procedures and fees required for an initial license or registration.

(e) The commissioner shall establish categories of master, journeyman, and apprentice in structural pest control applications. No person shall engage in structural pest control applications as a sole proprietorship, company, partnership, or corporation unless he is licensed or registered as a master in structural pest control applications or unless he employs a person so licensed or registered.

(f) *The commissioner shall notify each licensee or registrant by mail that his fee is due and payable and if not received before the expiration date of the registration or license 50 percent will be added to the required annual renewal fee or fees.*

Subd. 4. [NONCOMMERCIAL APPLICATOR.] (a) *No non-commercial applicator may use a restricted use pesticide or supervise the use of a restricted use pesticide without having a valid noncommercial applicator license issued by the commissioner for use categories or subcategories for which the pesticide application is made.*

(b) *License applications shall be made upon forms and in the manner, which may include an examination, as the commissioner may prescribe to determine if the applicant is qualified.*

(c) *The commissioner may renew a license subject to re-examination or other requirements designed to ensure that the applicator continues to understand changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.*

(d) *Each application for a license shall require payment of an annual fee of \$10 and an identification card fee of \$7.50 for the applicant and \$7.50 for each additional identification card desired. Governmental agencies shall be exempt from the fee. The license shall be renewed annually prior to January upon payment of applicable fees and compliance with any other requirement.*

(e) *If an application for renewal of license is not filed prior to March 1, in any year, an additional fee of \$5 shall be paid by the applicant before the renewal license may be issued.*

Sec. 7. [CLASSIFICATION OF LICENSES; STANDARDS.] *The commissioner may classify or subclassify certifications or licenses as necessary for the administration and enforcement of sections 1 to 25. Such classifications may include, but not be limited to, pest control operators, ornamental, agricultural, or right-of-way pesticide applicators. Separate subclassifications may be specified as to ground, aerial, or manual methods to apply pesticides or to the use of pesticides to control insects, plant diseases, rodents, or weeds. Each classification shall be subject to separate testing procedures and requirements. No person shall be required to pay a fee for any classification or subclassification certificate or license if he has paid the fee for the license under which the particular classification or subclassification is placed.*

Sec. 8. [RECORDS, REPORTS.] Subdivision 1. [LICENSED RESTRICTED USE PESTICIDE DEALER.] *In addition to other requirements, all persons licensed to sell restricted use pesticides shall maintain records as required by the commissioner. Records shall be submitted periodically and at least once annually but in no case later than 30 days following the end of the license year. Records shall be upon forms supplied by the commissioner. All records required under this section shall be kept and made available for inspection upon request by the commissioner, his agents, or officials of an approved agency for a period of two years from the date of sale.*

Subd. 2. [LICENSED COMMERCIAL APPLICATOR.] *Each licensed commercial applicator, or his authorized agent, shall keep and maintain a record of land treated. Such a record shall include, but not be limited to, the following: date of treatment; material and dosage used; number of units treated; name and address of customer; name of applicator; and signature of operator. Invoices containing the required information may constitute the required record. A copy of his record shall be given to a consumer. Records shall be kept and be available upon request of the commissioner or his agents or officials of an approved agency for a period of two years from the date of treatment.*

Subd. 3. [LICENSED OR REGISTERED STRUCTURAL PEST CONTROL APPLICATOR.] *Each registered or licensed person engaged in structural pest control applications shall maintain records of all structural pest control applications conducted by him or by his employees. The records shall include but not be limited to: the date of treatment; name of chemical used; temperature and exposure time if fumigating; method of application; name and address of customer; and any other information as may be required by the commissioner. Records shall be retained for two years.*

Subd. 4. [INSPECTION OF RECORDS.] *The commissioner shall have access to the records required to be kept by this section at any reasonable time and to make copies of the records. Unless required for the enforcement of sections 1 to 25, such information shall be confidential and if summarized shall not identify an individual person.*

Subd. 5. [REPORTS.] *Licensed commercial applicators, licensed or registered structural pest control applicators, and licensed noncommercial applicators shall report to the commissioner the use of all restricted use pesticides at least once annually but in no case later than 30 days following the end of the licensed year. Such reports shall be upon forms provided by the commissioner.*

Subd. 6. [EPA.] *The commissioner is authorized to make reports to the EPA as it may require.*

Sec. 9. [PRIVATE APPLICATORS.] *Subdivision 1. No private applicator shall use or supervise the use of any restricted use pesticide without first complying with the certification requirements determined by the commissioner as necessary to prevent unreasonable adverse effects on the environment by the proposed restricted pesticide.*

Subd. 2. *A private applicator shall be deemed competent to use restricted use pesticides when he attests that he: has read and understands the label; will use the pesticide according to the label directions; and is competent to use the pesticide properly.*

Subd. 3. *The commissioner may through cooperation with various government agencies provide training to ensure that certified private applicators continue to understand changing technology and to ensure a continuing level of competency and ability to use pesticides properly and safely.*

Sec. 10. [CLAIM OF DAMAGE; INSPECTION; REPORT.]

Subdivision 1. A person claiming damage from the application of a pesticide may file with the commissioner a written statement containing his name and address, the name of the person for whom the application was done, the name of the applicator, the date of the application, the date of the damage, a description of the damage, a request that the commissioner inspect the damage, and such other information as the commissioner may require.

Subd. 2. If the statement is filed within 30 days after the pesticide was applied or the damage occurred, or, if the alleged damage is to agricultural crops, prior to the time that 25 percent of the damaged crops have been harvested, whichever is the latest, the commissioner shall inspect the damage to see whether any provisions of sections 1 to 25 have been violated.

Subd. 3. The commissioner shall make a report of his findings and take such further action as he deems necessary. A copy of the report shall be available to any claimant or applicator, or their agents, upon written request.

Sec. 11. [STORAGE, HANDLING, DISPOSAL OF PESTICIDES AND CONTAINERS.] *Subdivision 1. No person shall store any pesticide or pesticide container in a manner which is likely to endanger humans, damage agricultural products, damage food and livestock, damage wildlife, damage beneficial insects or pollute the environment.*

Subd. 2. All pesticides and their containers shall be disposed of in accordance with law except when returned to the original manufacturer or distributor, or their agents for resale, reformulation, or disposal.

Sec. 12. [INSPECTION, ENFORCEMENT, JUDICIAL ACTION.] *Subdivision 1. [INSPECTION.] (a) The commissioner, and his agents, shall have access at reasonable times to all places where a person manufactures, formulates, distributes, uses, disposes of, stores or transports any pesticide or device and to all places affected by the use of any pesticide or device. The purposes for which entry to such places may be made shall include, but are not limited to:*

(1) Inspect any equipment for the manufacture, formulation, distribution, disposal or application of pesticides and the premises on which such equipment is stored;

(2) Inspect or sample lands actually or reported to be exposed to pesticides;

(3) Inspect storage or disposal areas;

(4) Inspect or investigate complaints of injury to humans, wildlife, domesticated animals, or land;

(5) Sample pesticides being applied or to be applied; or

(6) Observe the use and application of a pesticide,

(b) Prior to leaving the premises inspected the commissioner shall give the owner, operator, or agent in charge, a receipt de-

scribing any samples obtained. If an analysis is made of the samples, a copy of the results of such analysis shall be furnished to the owner, operator, or agent in charge.

Subd. 2. [ENFORCEMENT.] (a) When the commissioner has reasonable cause to believe a pesticide or device is being distributed, stored, transported or used in violation of sections 1 to 25, or of any rules thereunder, he may issue and serve a written stop sale, use, or removal order upon the owner or custodian of any such pesticide or device. If the owner or custodian is not available for service of the order, the commissioner may attach the order to the pesticide or device and notify the owner or custodian and the registrant. The pesticide or device shall not be sold, used, or removed until the violation has been corrected and the pesticide or device has been released in writing under conditions specified by the commissioner, or until the violation has been otherwise disposed of by a court.

(b) If the commissioner is denied access to any land, he may apply to a court of competent jurisdiction for a search warrant authorizing access to the land. The court may, upon such application, issue the search warrant for the purpose requested upon a showing that probable cause exists that a violation of sections 1 to 25 is occurring or has occurred upon such land.

Subd. 3. [JUDICIAL ACTION.] (a) The commissioner is charged with the duty of enforcing sections 1 to 25 and any rules thereunder. In the event a county attorney refuses to act on behalf of the commissioner the attorney general may so act.

(b) The commissioner may bring an action to enjoin a violation or threatened violation of sections 1 to 25 or any rule thereunder in a court of competent jurisdiction of the county in which such violation occurs or is about to occur.

(c) The commissioner when he believes that the public interest will be served best by so doing may seek to remedy minor violations by a suitable notice of warning in writing.

(d) The commissioner, after notice and hearing, may revoke, suspend or refuse to renew a registration, license, or certificate when a person is in violation of sections 1 to 25 or rules thereunder.

Sec. 13. [SUBPOENAS.] The commissioner may issue subpoenas to compel the attendance of witnesses or production of books, documents and records in any hearing affecting the authority or privilege granted by a license, registration, certification, or permit issued under sections 1 to 25.

Sec. 14. [COOPERATIVE AGREEMENTS.] The commissioner is authorized to enter into cooperative agreements with federal and state agencies for training, certification, and enforcement programs.

Sec. 15. [PROTECTION OF TRADE SECRETS.] Subdivision 1. In submitting data required by sections 1 to 25, the applicant may:

(a) Clearly mark any portions thereof which in his opinion are trade secrets, commercial, or financial information; and

(b) Submit such marked material separately from other material.

Subd. 2. The commissioner shall not make any information public which in his judgment contains or relates to trade secrets or to commercial or financial information and obtained from a person who marked it privileged or confidential. When necessary, information relating to formulas of products may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of facts issued by the commissioner.

Subd. 3. If the commissioner proposes to release information which the applicant or registrant believes to be protected from disclosure under subdivision 2 he shall notify the applicant or registrant by certified mail. The commissioner shall not make the information available for inspection until 30 days after receipt of the notice by the applicant or registrant. During this period the applicant or registrant may institute an action in an appropriate court for a declaratory judgment as to whether such information is subject to protection under subdivision 2.

Sec. 16. [FINANCIAL RESPONSIBILITY.] Subdivision 1. Prior to issuance or renewal of a commercial applicator license or structural pest control applicator registration or license, the applicant shall furnish proof of financial responsibility by means of a performance bond or insurance covering the applicant's pest control activities in an amount determined by the commissioner. Such bond or insurance shall cover a period of time at least equal to the term of the applicant's license or registration. The commissioner shall immediately suspend the license of anyone failing to maintain the required bond or insurance. The performance bond or insurance policy shall contain a provision requiring the insurance or bonding company to notify the commissioner ten days prior to the effective date of cancellation, termination or any other change of the bond or insurance. In the event of any recovery against the bond or insurance, additional coverage shall be secured so as to maintain financial responsibility equal to the original amount required.

Subd. 2. An employee of a registered or licensed person need not maintain an insurance policy or bond during the time when his employer is maintaining the required insurance or bond.

Subd. 3. Applications for reinstatement of a registration or license suspended under the provisions of this section shall be accompanied by proof of satisfaction of judgments previously rendered.

Sec. 17. [INCIDENTS.] The commissioner is authorized to apply appropriate and efficient procedures to contain and control pesticides involved in an emergency. Persons involved in or responsible for such an incident shall report the incident to the commissioner immediately on discovering the incident. The department of agriculture shall be the lead government agency for decisions involving the incident.

Sec. 18. [AGENT FOR SERVICE OF PURPOSE.] *All non-resident commercial and structural pest control applicator licensees licensed as individuals shall appoint the commissioner as the agent upon whom all legal process may be served and service upon the commissioner shall be deemed to be service on the licensee.*

Sec. 19. [DELEGATION OF DUTIES.] *The functions vested in the commissioner by sections 1 to 25 may be delegated by him to such employees or agents of the department as he may from time to time designate.*

Sec. 20. [RECIPROCAL AGREEMENT.] *The commissioner may waive all or part of the examination requirements provided for in sections 1 to 25 on a reciprocal basis with any other jurisdiction which has substantially the same requirements. Licenses or certificates issued pursuant to this section may be suspended or revoked upon suspension or revocation of the license or certificate of another jurisdiction supporting the issuance of a Minnesota license or certificate and in the same manner as other licenses and certificates.*

Sec. 21. [DISPOSITION OF FUNDS.] *All moneys received by the commissioner under the provisions of sections 1 to 25 shall be deposited in the state treasury to the credit of the general fund.*

Sec. 22. [UNSATISFIED JUDGMENTS.] *No applicant for commercial or structural pest control applicator license nor any commercial or structural pest control applicator licensee shall permit any final judgment against him for damages arising out of his carrying on pesticide application operations for hire to remain unsatisfied for a period of more than 30 days. The commissioner shall suspend the registration or license of any person for failure to satisfy within 30 days a final judgment resulting from pest control activities.*

Sec. 23. [ADOPTION OF RULES.] *Subdivision 1. The commissioner is authorized to adopt rules necessary for the enforcement of sections 1 to 25 including, but not limited to, the following:*

(a) *The declaration of any form of plant or animal life which is injurious to health or the environment as a pest, other than man and other than bacteria viruses and other micro-organisms on or in living man or other living animals.*

(b) *The collection, examination and reporting of samples of pesticides.*

(c) *The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers.*

(d) *The labeling requirements of all pesticides required to be registered under sections 3 and 4.*

(e) *The prescription of methods to be used in the application of pesticides, including the designation of a pesticide as a restricted use pesticide where the commissioner finds that it is necessary to protect the environment and to carry out the purpose and intent of sections 1 to 25.*

(f) *The requirement that any pesticides registered be colored*

or discolored if it is determined that such requirement is feasible and is necessary for the protection of the environment.

(g) The establishment of standards for packages and wrappings of pesticides registered for special local needs.

(h) The determination of state restricted use pesticides for the state or for designated areas within the state for the purpose of uniformity and in order to enter into cooperative agreements.

(i) The amount of performance bond or liability insurance required pursuant to section 16.

Subd. 2. Rules adopted pursuant to sections 1 to 25 shall not permit any pesticide use which is prohibited by FIFRA and regulations or orders issued thereunder.

Subd. 3. Rules adopted pursuant to sections 1 to 25 and relating to certified applicators of restricted use pesticides, special local needs registrations, and experimental use permits shall not be inconsistent with the requirements of FIFRA and regulations promulgated thereunder.

Sec. 24. [PRIOR LIABILITY.] *Sections 1 to 25 shall not terminate or in any way modify any civil or criminal liability for an act of commission or omission occurring prior to January 1, 1977.*

Sec. 25. [PENALTIES.] *Subdivision 1. Any person violating sections 1 to 25 or rules thereunder is guilty of a misdemeanor for the first violation and a gross misdemeanor for any subsequent violation. In any instance where a person was issued a warning in writing by the commissioner pursuant to a provision of sections 1 to 25, such person shall upon conviction for violating such provision, be guilty of a gross misdemeanor. Any offense committed more than two years after a written warning is issued by the commissioner or a previous conviction shall be construed as a first offense and a misdemeanor.*

Subd. 2. If there was no probable cause for an administrative action, including the issuance of a stop sale, use, or removal order, a court may allow recovery for damages caused by the administrative action.

Sec. 26. Minnesota Statutes 1974, Section 21.47, Subdivision 8, is amended to read:

Subd. 8. [PROHIBITED WEED SEEDS.] *"Prohibited weed seeds" are those weed seeds which are prohibited from being present in any agricultural seed. They are the seeds of perennial weeds such as not only reproduce by seed, but also spread by underground reproductive parts such as roots and rootstocks, and above ground reproductive parts such as runners and stolons. The prohibited weed seeds are seeds of Canada thistle (*Cirsium arvense* Scop.), field bindweed (*Convolvulus arvensis* L.), leafy spurge (*Euphorbia esula* L.), perennial pepper grass (*Lepidium draba* L.), perennial sow thistle (*Sonchus arvensis* L.), and Russian knapweed (*Centaurea repens* L.) and quack grass (*Agropyron repens* L.), which are highly destructive and difficult to control in this state by ordinary cultural practices.*

Sec. 27. Minnesota Statutes 1974, Section 21.47, Subdivision 9, is amended to read:

Subd. 9. [RESTRICTED WEED SEEDS.] "Restricted weed seeds" are those weed seeds which, if present in agricultural seed, shall be named on the label together with the number per ounce or pound of seed specified and which shall not exceed the legal limit. They are seeds of such weeds as are objectionable in fields, lawns and gardens of this state, and can be controlled by good cultural practice and use of herbicides. Restricted weed seeds are seeds of buckhorn plantain (*Plantago lanceolata* L.), dodder (*Cuscuta* spp.), Frenchweed (*Thlaspi arvense* L.), hoary alyssum (*Berterea incana* DC.), horse nettle, (*Solanum carolinense* L.), quack grass (*Agropyron repens* L.), and wild mustard (*Brassica arvensis* L.).

Sec. 28. Minnesota Statutes 1974, Section 21.49, Subdivision 1, is amended to read:

21.49 [UNLAWFUL ACTS.] Subdivision 1. [AGRICULTURAL SEED, SALE.] It is unlawful for any person to sell agricultural or tree and shrub seed within this state if

(a) The test to determine the percentage of germination required by section 21.48 shall not have been completed within a nine-month period, immediately prior to such sale, exclusive of the calendar month in which the test was completed;

(b) It is not labeled in accordance with the provisions of sections 21.47 to 21.58, or contains a false or misleading label;

(c) False or misleading advertisement has been used in respect to its sale;

(d) It contains prohibited noxious-weed seeds;

(e) It contains restricted noxious-weed seeds in excess of two seeds per ounce, or 25 seeds per pound in those agricultural seeds as set out in section 21.48, subdivision 3, clause (5):

(f) It contains more than one percent by weight of all weed seeds;

(g) It is represented to be certified seed unless it has been produced, processed and labeled in compliance with the rules and regulations of an official or officially recognized seed certification agency ;

(h) *The sale violates the provisions of the Plant Variety Protection Act (U.S. Public Law 91-577; December 24, 1970) and rules and regulations issued pursuant thereto.*

Sec. 29. [REPEALER.] *Minnesota Statutes 1974, Sections 18.031; 18.032, Subdivisions 1, 2, 3, 4, 5, 7, and 8; 18.0321; 18.0322; 18.0323; 18.0324; 18.033; 18.034; 18.035; 18.036; 18A.01; 18A.02, Subdivisions 1, 2, 4, and 5; 18A.03; 18A.04; 18A.05; 18A.06; 18A.07; 18A.08; 18A.09; 18A.10; 18A.11; 24.069; 24.071; 24.072, Subdivisions 1, 3, and 5; 24.0721; 24.073; 24.074; 24.075; 24.076; 24.077; and Minnesota Statutes, 1975 Supplement, Sections 18.032,*

Subdivision 6; 18A.02, Subdivision 3; and 24.072, Subdivisions 2 and 4, are repealed.

Sec. 30. [EFFECTIVE DATE.] *Section 5; section 6, subdivision 4; and section 9 take effect January 1, 1977."*

Further, amend the title as follows:

Page 1, line 2, delete "requiring the regulation"

Page 1, delete lines 3 to 9 and insert " regulating pesticides; providing a penalty; amending Minnesota Statutes 1974, Sections 21.47, Subdivisions 8 and 9; and 21.49, Subdivision 1; repealing Minnesota Statutes 1974, Sections 18.031; 18.032, Subdivisions 1 to 5, 7, and 8; 18.0321 to 18.036; 18A.01; 18A.02, Subdivisions 1, 2, 4, and 5; 18A.03 to 18A.11; 24.069; 24.071; 24.072, Subdivisions 1, 3, and 5; 24.0721 to 24.077; Minnesota Statutes, 1975 Supplement, Sections 18.032, Subdivision 6; 18A.02, Subdivision 3; and 24.072, Subdivisions 2 and 4."

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

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

S. F. No. 1866: A bill for an act relating to Blue Earth county; welfare board; authorizing the welfare board to maintain certain contingency funds.

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

Page 1, line 13, strike "disbursement" and insert "appropriations to and disbursements"

Page 1, line 16, strike "under the control of" and insert "administered by"

Page 1, line 22, strike "initial"

Page 2, strike lines 1 through 3

Page 2, line 4, strike "enlarged" and insert "determined"

Page 2, line 4, after "board" insert "; provided that the amount in any one fund shall not exceed ten percent of the total amount expended from that fund in the preceding fiscal year"

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

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

S. F. No. 1740: A bill for an act relating to counties; authorizing a county board to establish a personnel department; providing for county personnel administration on an integrated, merit basis.

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

Page 1, strike lines 16 through 23, and insert:

"Subd. 2. "Appointing authority" means the official, employee, board, or commission, or the person or group of persons empowered by statute, ordinance or resolution to make an appointment to positions as county employees within the scope of sections 1 to 14."

Page 2, strike lines 1 through 3

Page 2, line 4, strike "4" and insert "3"

Page 2, line 6, strike "5" and insert "4"

Page 2, after line 8, insert:

"Subd. 5. "Board of appeals" means the personnel board of appeals established pursuant to section 10."

Page 2, line 9, before "The" insert "Subdivision 1."

Page 2, line 12, strike "final"

Page 2, line 12, after the comma, insert "the county welfare board, the county human services board,"

Page 2, line 15, strike "following positions:" and insert "positions excluded under subdivisions 2 and 3."

Page 2, after line 15, insert:

"Subd. 2. The following positions are excluded from the jurisdiction of the county personnel department:"

Page 2, line 18, strike "final"

Page 2, strike lines 23 through 26

Page 2, line 27, strike "h" and insert "e"

Page 2, line 29, strike "i" and insert "f"

Page 2, line 30, strike the semicolon and insert a period.

Page 2, line 31, strike "(j)" and insert "Subd. 3."

Page 2, line 31, strike "all" and insert "the following"

Page 2, line 31, after "positions" insert "may be excluded from the jurisdiction of the county personnel department:"

Page 2, line 32, before "subject" insert:

"(a) Any or all positions"

Page 3, line 1, after "Sections" insert "12.22, Subdivision 3, 387.31 to 387.45,"

Page 3, line 1, strike the period and insert a semicolon

Page 3, after line 1, insert:

"(b) Positions designated as temporary or seasonal;

(c) Positions held by special deputies and volunteers serving without pay;

(d) Positions held by students in training."

Page 3, after line 22, insert

"(b) Creation and maintenance of lists of eligibles. No name shall remain on an eligible list for more than two years.

(c) Certification of names to the appointing authority from the eligible list for appointment, promotion, or reemployment."

Page 3, line 23, strike "b" and insert "d"

Page 3, line 26, strike "c" and insert "e"

Page 3, line 31, strike "d" and insert "f"

Page 4, line 3, strike "e" and insert "g"

Page 4, line 3, after "for" insert "suspension or termination or other disciplinary action, including procedures for"

Page 4, line 5, after "termination" insert "or other disciplinary action"

Page 5, line 2, strike "such" and insert "the"

Page 5, line 4, strike "thus"

Page 5, line 9, strike "such" and insert "the"

Page 5, line 13, strike "In any county which has adopted a resolution"

Page 5, strike lines 14 and 15

Page 5, line 16, before "county" insert "Unless a"

Page 5, line 16, strike "include the" and insert "exclude any or all"

Page 5, line 18, after "Sections" insert "12.22, Subdivision 3, 387.31 to 387.45,"

Page 5, line 18, strike "within" and insert "from"

Page 5, line 19, strike "then"

Page 5, line 20, after "Sections" insert "12.22, Subdivision 3, 387.31 to 387.45,"

Page 5, line 21, after "144.071" insert "and any rules and regulations promulgated pursuant to those sections"

Page 5, line 22, strike "may be" and insert "are"

Page 5, line 22, after the period, insert "Nothing in Minnesota Statutes, Section 387.43, shall be construed to prohibit the inclusion of sheriff's department personnel in a personnel system established pursuant to sections 1 to 14."

Page 5, line 26, strike "197.45" and insert "197.455"

Page 6, line 1, strike "final"

Page 6, line 8, strike "final"

Page 6, line 11, after "the" insert "county as"

Page 6, line 20, strike "public" and insert "county"

Page 6, line 21, strike "public" and insert "county"

Page 6, line 21, strike "any" and insert "while employed by the county"

Page 6, line 22, strike "public employment, or position in a political party"

Page 6, line 30, strike "them" and insert "it"

Page 7, line 17, after "act" insert "or the rules promulgated thereunder"

Page 7, line 32, strike "any such" and insert "the"

Page 8, after line 1, insert

"Sec. 12. [JUDICIAL REVIEW.] Subdivision 1. [NOTICE.] The employee or the final appointing authority may appeal to the district court from an order of the board of appeals concerning the employee's termination or suspension without pay for more than 30 days by serving written notice of the appeal upon the board of appeals within ten days after he has received written notice of the board's order.

Subd. 2. [CERTIFICATION OF RECORD.] Within five days after service of the notice the board shall certify the record of the proceedings, including all documents, testimony, and minutes to the clerk of the district court. The clerk shall then place the cause on the calendar for determination at the next general term of the court. The question to be determined by the court shall be: "Was the order of the personnel board of appeals reasonably supported by the evidence?"

Subd. 3. [TO SUPREME COURT.] The employee or the final appointing authority may appeal from the district court to the supreme court in the same manner as provided for in other court cases.

Sec. 13. A personnel administration system established pursuant to sections 1 to 14 may be abolished at any time by resolution of the county board adopted by a majority of all its members. Upon adoption of the resolution, the personnel department shall cease to exist and the status of all departments, commissions, and employees shall be the same as if no personnel administration system had been established."

Renumber the sections in sequence.

Page 8, after line 4, insert:

"Sec. 15. Nothing in sections 1 to 14 shall be construed to permit or encourage any action or conduct prohibited by the Minnesota human rights act or any other state or federal law relating to equal employment opportunities, and the provisions of these acts shall continue to apply to county employment generally, including those positions excluded from the jurisdiction of the county personnel administration system.

Sec. 16. [EFFECTIVE DATE.] This act is effective on the day following final enactment."

Amend the title as follows:

Page 1, line 2, strike "a"

Page 1, line 2, strike "board" and insert "boards"

Page 1, line 3, strike "a"

Page 1, line 3, strike "department" and insert "departments"

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 re-referred

H. F. No. 1527: A bill for an act relating to motor vehicles; providing for licensing and taxation; providing penalties; amending Minnesota Statutes, 1973 Supplement, Section 168.013, Subdivisions 1c and 1e, and 1g, as amended; and Minnesota Statutes 1974, Sections 168.012, Subdivision 7; 168.09, Subdivision 3; and 168.31, Subdivision 3.

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

Strike the amendment to H. F. No. 1527 made by the Committee on Transportation and General Legislation, adopted by the Senate May 14, 1975.

Amend H. F. No. 1527 as follows:

Page 7, line 10, strike "100" and insert "30"

Page 7, line 11, before the period insert "but in no event less than \$5"

Page 7, line 13, after "for" insert "selfpropelled"

Page 7, line 17, after "for" insert "selfpropelled"

Page 7, line 27, after "vehicle" insert "registered under the provisions of section 168.187"

Page 8, line 9, strike "1976" and insert "1978"

Page 8, line 12, strike "1977" and insert "1979"

Page 8, strike line 32 and insert:

"Sec. 7. Notwithstanding any law to the contrary, the owner of record as of July 1, 1976, of a towed recreational vehicle of 1500 pounds or less registered for the calendar year 1976 or any part of it shall be entitled to a refund of any portion of the tax paid for 1976 that is in excess of \$5. The commissioner of public safety shall pay these refunds in the manner provided by section 168.16 as soon as practicable after July 1, 1976.

Sec. 8. The commissioner of public safety shall study other alternative methods of registering motor vehicles except vehicles registered under section 168.017 in order to minimize the difficulties of administration and enforcement in the current registration law. The commissioner shall submit the results of this study and a comprehensive

proposal for a new registration system to the legislature at the beginning of the 1977 session.

Sec. 9. Section 4 of this act is effective May 1, 1976. Sections 7 and 8 of this act are effective the day following final enactment. The remaining sections of this act are effective November 15, 1976."

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. 1104: A bill for an act relating to highway traffic regulations; equipment on certain vehicles; requiring tires on certain vehicles to meet requirements of the commissioner of public safety; prohibiting the sale, other than to a dealer, of certain vehicles with unsafe tires; and prescribing penalties.

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

Strike the Rule 49 amendment adopted by the Senate on April 28, 1975.

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

H. F. No. 574: A bill for an act relating to pollution control; amending Minnesota Statutes 1974, Sections 115.03, Subdivision 2; 115.05, by adding a subdivision; 115.071, Subdivision 2; 116.07, by adding a subdivision; 116.16, by adding a subdivision; 648.39, Subdivision 1; repealing Minnesota Statutes 1974, Section 115.05, Subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10.

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

Page 3, line 6, reinstate the stricken language and strike "chapters"

Page 3, line 7, reinstate the stricken language and strike "or"

Page 3, line 11, reinstate the stricken language

Page 3, line 12, reinstate the stricken language and strike "chapters"

Page 3, line 13, reinstate the stricken language and strike "or"

Page 4, strike lines 2 through 10 and insert

"Subd. 10. [COSTS.] To the extent the agency administers or engages in activities necessary for the administration of the federal construction grants program established by the federal water pollution control act as amended, 33 U.S.C. 1251 et seq., the agency may assess the costs of such administrative activities, not to exceed 2 percent of the federal grant, against the federal construction grant funds allotted to the state."

Page 4, after line 10, insert:

"Sec. 6. Minnesota Statutes 1974, Section 168B.10, is amended by adding a subdivision to read:

"Subd. 5. [REIMBURSEMENT TO INDIANS.] The agency may reimburse the government entities of Indian reservations for the costs associated with the inventory, collection, storage and transportation of abandoned motor vehicles and abandoned scrap metal which are voluntarily surrendered by their owners or which are otherwise lawfully acquired by the Indian reservation. Such reimbursement may be made for only those costs, and under the same conditions, for which a unit of government may be reimbursed under subdivisions 1 and 3 of this section."

Renumber the remaining sections

Further amend the title as follows:

Line 2, after "control;" insert "relating to the power to issue subpoenas; authorizing the agency to disseminate information and receive copies of Minnesota Statutes; repealing certain appeal procedures; authorizing the agency to assess certain costs in administering said grant; authorizing reimbursement to Indians for costs pertaining to the inventory, collection, storage and transportation of abandoned motor vehicles and scrap metal;"

Line 6, after the semicolon, insert "168B.10, by adding a subdivision;"

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

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

H. F. No. 1057: A bill for an act relating to education; school districts; Independent School District No. 518; powers and duties; requiring a public hearing and providing for an election before closing a schoolhouse; amending Minnesota Statutes 1974, Section 123.36, by adding a subdivision.

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

Page 1, line 13, after the period insert "*Published*"

Page 1, line 14, strike "*published*" and insert "*given*"

Page 1, line 18, strike "*All*"

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

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

H. F. No. 951: A bill for an act relating to education; state colleges; authorizing the state college board to enter into reci-

procuity agreements with foreign institutions; amending Minnesota Statutes 1974, Section 136.111, Subdivisions 1 and 2.

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

Strike the Rule 49 amendment adopted by the Senate on May 10, 1975

Amend H. F. No. 951 as follows:

Page 1, line 12, strike "colleges" and insert "*universities*"

Page 1, line 22, strike "college" and insert "*university*"

Further, amend the title as follows:

Page 1, line 2, strike "colleges" and insert "*universities*"

Page 1, line 3, strike "college" and insert "*university*"

Page 1, line 4, strike "foreign" and insert "educational"

Page 1, line 4, after "institutions" insert "in other states and foreign countries"

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

Mr. Hughes from the Committee on Education, to which was referred the following appointment as reported in the Journal for January 29, 1976:

STATE BOARD FOR COMMUNITY COLLEGES

Dr. Joseph Norquist

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

Mr. Hughes moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Hughes from the Committee on Education, to which were referred the following appointments as reported in the Journal for January 29, 1976:

STATE BOARD OF EDUCATION

Ruth Myers

Henry Bromelkamp

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

Mr. Hughes moved that the foregoing committee report be laid on the table. The motion prevailed.

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

referred the following appointment as reported in the Journal for January 27, 1976:

STATE BOARD OF EDUCATION

Erling O. Johnson

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

Mr. Hughes moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which was referred the following appointment as reported in the Journal for January 27, 1976:

**COMMISSIONER OF THE WORKMEN'S COMPENSATION
COMMISSION**

James Pomush

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

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

Mr. Hansen, Baldy from the Committee on Labor and Commerce, to which were referred the following appointments as reported in the Journal for January 29, 1976:

WORKMEN'S COMPENSATION COMMISSIONER

Robert B. McCarthy

CABLE COMMUNICATIONS BOARD

Jane Belau

Eugene Abbott

Virginia Greenman

Carl Williams

**COMMISSIONER OF THE DIVISION OF SECURITIES,
DEPARTMENT OF COMMERCE**

John Larson

OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD

Kenneth Sovereign

**COMMISSIONER OF THE DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Lee Vann

PUBLIC SERVICE COMMISSION

Katherine Sasseville

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

Sen. R. H. moved that the foregoing committee report be laid on the table. The motion prevailed.

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

S. F. No. 1801: A bill for an act relating to the Whitewater River Valley; authorizing a conservation pilot program in the counties of Olmsted, Wabasha, and Winona; appropriating money.

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

Page 1, line 21, strike "commission" and insert "board"

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

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

S. F. No. 1627: A bill for an act relating to state parks; adding lands to Kilen Woods state park in Jackson county.

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

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

S. F. No. 2034: A bill for an act relating to natural resources; authorizing the marking and designation of canoe and boating routes on the Straight River; amending Minnesota Statutes 1974, Section 85.32, 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. Laufenburger from the Committee on Transportation and General Legislation, to which was referred

S. F. No. 1784: A bill for an act relating to highways; repealing a proposed amendment to Article XIV of the state constitution; repealing Laws 1975, Chapter 203, Sections 25 and 26.

Reports the same back with the recommendation that the bill do pass. Report adopted. Mr. Keefe, S. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

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

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

Page 3, strike all of Section 2

Renumber the sections in sequence

Amend the title as follows:

Line 5, strike "94.342, Subdivision 3;"

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

Mr. Coleman from the Committee on Rules and Administration, to which were referred H. F. Nos. 1061 and 1284 for proper reference, recommends the above House Files be re-referred to their respective Committees as follows:

H. F. Nos. 1061 and 1284 to the Committee on Transportation and General Legislation.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 1653, 1901, 1813, 995, 1866, 1740, 1627 and 2034 were read the second time.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1880, 1527, 1104, 574, 1057, 951 and 523 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Bernhagen introduced—

Senate Resolution No. 28: A senate resolution commemorating the International Peanut Butter and Milk Festival Week, pro-

claimed by His Excellency, Wendell R. Anderson, Governor of the State of Minnesota, for the week of February 8-15, 1976, to be celebrated in Litchfield, Minnesota, honoring distinguished visitors from Hartford, Alabama, Barron, Wisconsin, and Crothersville, Indiana.

Referred to the Committee on Rules and Administration.

Mr. Borden moved that the name of Mr. Arnold be added as co-author to S. F. No. 622. The motion prevailed.

Mr. Solon moved that the name of Mrs. Brataas be stricken as co-author to S. F. No. 1637. The motion prevailed.

Mr. Chmielewski moved that the names of Messrs. Hanson, R. and Willet be added as co-authors to S. F. No. 1918. The motion prevailed.

Mr. Ueland moved that the name of Mr. Renneke be added as co-author to S. F. No. 2077. The motion prevailed.

Mr. Gearty moved that S. F. No. 2004 be withdrawn from the Committee on Governmental Operations and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Olson, H. D. moved that the name of Mr. Patton be added as co-author to S. F. No. 890. The motion prevailed.

Mr. Olson, H. D. moved that the name of Mr. Patton be added as co-author to S. F. No. 952. The motion prevailed.

Mr. Schrom moved that S. F. No. 1493, No. 15 on General Orders, be stricken and re-referred to the Committee on Natural Resources and Agriculture. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 53: A bill for an act relating to peace officer training courses; eligibility; amending Minnesota Statutes 1974, Section 626.851, Subdivision 2.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1805: A bill for an act relating to motor vehicle carriers; reinstating the rights of certain permit carriers upon filing proof of insurance or other security; amending Minnesota Statutes, 1975 Supplement, Section 221.141, 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1736: A bill for an act relating to counties; authorizing the establishment of subordinate service districts in order to provide and finance governmental services.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 687: A bill for an act relating to credit unions; allowing credit union members to vote by mail for officers and amendments; allowing credit unions certain powers with re-

spect to dividends; amending Minnesota Statutes 1974, Sections 52.02; 52.07 and 52.18.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 1145: A bill for an act relating to landlords and tenants; retaliatory evictions; amending Minnesota Statutes 1974, Section 566.03.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions for the purpose of introducing two resolutions.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman introduced—

Senate Resolution No. 29: A Senate resolution relating to expenses of Senate interns.

BE IT RESOLVED, by the Senate:

That for the 1976 session of the 69th Legislature, each member of the Senate is entitled to be reimbursed for the cost of meals and transportation furnished by him to any volunteer interns assisting with his work, up to a maximum of \$10 during each week the Legislature is in session.

Requests for reimbursement shall be submitted to the Secretary of the Senate monthly on forms provided for this purpose and shall include a certification by the member that the amounts for which reimbursement is sought have been paid to his interns.

The Secretary of the Senate shall prepare and issue warrants for payment of intern expenses from the Senate Legislative Expense Fund.

This resolution is effective retroactively to January 27, 1976.

Mr. Coleman moved the adoption of the foregoing resolution.

The question being taken on the adoption of the resolution,

And the roll being called, there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

Mr. Coleman, for the Committee on Rules and Administration, offered the following resolution:

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the position hereinafter stated and at the salary heretofore fixed.

James McMullen, Clerk I, effective January 30, 1976

Janice Noruk transferred from Stenographer I to Stenographer II, effective February 7, 1976.

Rev. Dave S. Schneider, Chaplain, effective January 29, 1976

Rev. Phil Crum, Chaplain, effective February 9, 1976

Rev. William C. Hunt, Chaplain, effective February 16, 1976

Mr. Coleman moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CALENDAR OF ORDINARY MATTERS

S. F. No. 1852: A bill for an act relating to the city of Fulda; validating election proceedings and authorizing the issuance of bonds of the city approved by the electors.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and the President having resumed the chair, Mr. Hughes reported that the committee had considered the following:

S. F. Nos. 1636, 1794, 1905, 1839, 1825 and 1816 which the committee recommends to pass.

H. F. No. 719, which the committee recommends to pass with the following amendment offered by Mr. Conzemius:

Page 1, line 10, after "acres" insert "*, except in the case of agricultural land as used in section 273.13, subdivision 6, where the lien shall be limited to 40 acres*"

S. F. No. 1849, which the committee recommends be re-referred to the Committee on Rules and Administration.

S. F. No. 998, which the committee reports progress, subject to the following motion:

Mr. Ogdahl moved to amend S. F. No. 998 as follows:

Page 2, line 24, strike "Effective July 1, 1972,"

Page 3, line 21, after the period insert "*No municipality may adopt or enforce a building code or building maintenance code in respect to agricultural buildings.*"

Pages 5 and 6, strike all of section 5

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 8 and 9, strike "limiting surcharge computation to valuation;"

Page 1, line 11, strike "; 16.866, Subdivision 1"

The motion prevailed. So the amendment was adopted.

The question being taken on the committee recommendation to pass S. F. No. 998, as amended,

And the roll being called, there were yeas 23 and nays 35, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|------------|-----------|---------|
| Chenoweth | Hansen, Mel | Kowalczyk | Ogdahl | Spear |
| Coleman | Humphrey | Larson | O'Neill | Stassen |
| Davies | Keefe, J. | McCutcheon | Purfeerst | Stumpf |
| Doty | Keefe, S. | Merriam | Schaaf | |
| Gearty | Kleinbaum | North | Solon | |

Those who voted in the negative were:

| | | | | |
|-----------|---------------|--------------|----------------|---------|
| Anderson | Brataas | Hanson, R. | Nelson | Renneke |
| Arnold | Chmielewski | Jensen | Olhoft | Schmitz |
| Ashbach | Conzemius | Josefson | Olson, A. G. | Schrom |
| Bang | Dunn | Kirchner | Olson, H. D. | Sillers |
| Berg | Fitzsimons | Knutson | Olson, J. L. | Ueland |
| Bernhagen | Frederick | Laufenburger | Patton | Wegener |
| Blatz | Hansen, Baldy | Moe | Perpich, A. J. | Willet |

The motion did not prevail.

The committee then progressed S. F. No. 998, as amended.

S. F. No. 1841, which the committee recommends to pass with the following amendments offered by Messrs. North, Frederick and Nelson:

Mr. North moved to amend S. F. No. 1841 as follows:

Page 2, line 13, after "region," insert "and, only if the member has voluntarily supplied the information, the"

Page 2, line 14, strike ", if known" and insert "of the members"

Mr. Frederick moved to amend S. F. No. 1841 as follows:

Page 4, line 7, after "appointment" insert "*and, if required, advice and consent by the Senate,*"

Mr. Nelson moved to amend S. F. No. 1841 as follows:

Page 2, line 13, after "political party preference" insert "or lack thereof"

Page 3, line 24, after "political party preference" insert "or lack thereof"

Page 5, line 14, after "party preference" insert "or lack thereof"

S. F. No. 1273, which the committee recommends to pass with the following amendment offered by Mr. Hansen, Mel:

Page 2, line 8, after "shall" strike *"do so on a basis which provides"* and insert *"retain discretion as to who it may allow to use its premises provided it gives"*

Page 2, line 11, after the period insert *"A corporation may change its policy on permitting the use of its premises for political purposes at any time."*

Mr. Berg moved to amend S. F. No. 1273 as follows:

Page 2, after line 22, insert:

"Sec. 3. Minnesota Statutes 1974, Section 10A.27, Subdivision 1, is amended to read:

10A.27 [ADDITIONAL LIMITATIONS.] Subdivision 1. No political committee, political fund, or individual, except a political party or the principal campaign committee of a candidate shall make expenditures on behalf of or in opposition to the opponent of a candidate, or transfer funds to the principal campaign committee of a candidate, in an amount in excess of ~~ten~~ : *in the case of candidates for governor and lieutenant governor running jointly, attorney general, secretary of state, state auditor, or state treasurer, \$200; in the case of a candidate for the senate or house of representatives, one percent of the amount that may be spent by or on behalf of that candidate as set forth in section 10A.25.*

Sec. 4. Minnesota Statutes 1974, Section 10A.27, is amended by adding a subdivision to read:

Subd. 1a. Notwithstanding the provisions of subdivision 1, a candidate may expend for the purpose of his own campaign, or transfer to his principal campaign committee, an amount not to exceed ten percent of the amount that may be spent by or on behalf of that candidate as set forth in section 10A.25."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, after the semicolon, insert "providing limitations on political contributions;"

Page 1, line 8, strike "Section" and insert "Sections"

Page 1, line 9, after the semicolon, insert "10A.27, Subdivision 1, and by adding a subdivision;"

The question being taken on the adoption of the Berg amendment,

And the roll being called, there were yeas 23 and nays 33, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-------------|------------|--------------|---------|
| Ashbach | Brown | Hanson, R. | Knutson | Renneke |
| Bang | Dunn | Jensen | Nelson | Sillers |
| Berg | Fitzsimons | Josefson | Olson, J. L. | Ueland |
| Bernhagen | Frederick | Keefe, J. | O'Neill | |
| Blatz | Hansen, Mel | Kirchner | Patton | |

Those who voted in the negative were:

| | | | | |
|-------------|---------------|----------------|-------------|-----------|
| Anderson | Doty | Lewis | Perpich, G. | Stassen |
| Borden | Hansen, Baldy | Merriam | Purfeerst | Stokowski |
| Chenoweth | Hughes | Moe | Schaaf | Stumpf |
| Chmielewski | Humphrey | North | Schmitz | Wegener |
| Coleman | Keefe, S. | Olhoff | Schrom | Willet |
| Conzemius | Kleinbaum | Olson, A. G. | Solon | |
| Davies | Larson | Perpich, A. J. | Spear | |

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

And then, on motion of Mr. Hughes, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

APPOINTMENTS

Mr. Davies, from the Committee on Committees, recommends that the following named Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 1519, pursuant to the request of the House:

Messrs. Chenoweth, Stumpf and North.

H. F. No. 1199, pursuant to the request of the Senate:

Messrs. Moe; Tennesen; Perpich, G.; Knutson and Kirchner.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 1:00 o'clock p.m., Friday, February 13, 1976. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate