

## SIXTY-NINTH DAY

St. Paul, Minnesota, Friday, February 13, 1976

The Senate met at 1:00 o'clock p.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:

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Messrs. Anderson; Arnold; Borden; Doty; Fitzsimons; Jensen; Perpich, A. J.; Pillsbury; Tennesen and Mrs. Brataas were excused from the Session of today. Mr. Ogdahl was excused from the Session of today until 1:30 o'clock p.m. Mr. Keefe, J. was excused from the Session of today at 1:30 o'clock p.m. Mr. Patton was excused from the Session of today at 2:00 o'clock p.m.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

February 12, 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
22		8	February 11	February 11
	645	9	February 11	February 11

Sincerely,  
Joan Anderson Growe  
Secretary of State

#### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Stokowski, Ogdahl and Chenoweth introduced—

S. F. No. 2101: A bill for an act relating to certain retirement associations; provided that certain data collected by such associations is private data; amending Minnesota Statutes 1974, Chapter 356, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Stokowski, Ogdahl and Chenoweth introduced—

S. F. No. 2102: A bill for an act relating to retirement; election of trustees to the public employees retirement association board of trustees; amending Minnesota Statutes 1974, Section 353.03, Subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski, Ogdahl and Chenoweth introduced—

S. F. No. 2103: A bill for an act relating to the public employees retirement association; authorizing the acquisition of real estate and the construction of necessary building and structures thereon; and appropriating moneys therefor.

Referred to the Committee on Governmental Operations.

Mr. Laufenburger introduced—

S. F. No. 2104: A bill for an act relating to motor vehicle registration; providing for waiver of penalty for cars in storage; amending Minnesota Statutes 1974, Section 168.31, Subdivision 3.

Referred to the Committee on Transportation and General Legislation.

Messrs. Solon, Davies and Hanson, R. introduced—

S. F. No. 2105: A bill for an act relating to credit unions;

deposits of public funds; amending Minnesota Statutes, 1975 Supplement, Section 52.04.

Referred to the Committee on Labor and Commerce.

Messrs. Spear, Chmielewski and Stokowski introduced—

S. F. No. 2106: A bill for an act relating to retirement; service credit for teachers on parental or maternity leave; amending Minnesota Statutes 1974, Section 354.42, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Bernhagen, Schrom and Hanson, R. introduced—

S. F. No. 2107: A bill for an act relating to game and fish; firearms permissible for taking wild animals; amending Minnesota Statutes 1974, Section 100.29, Subdivision 9.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Frederick and Laufenburger introduced—

S. F. No. 2108: A bill for an act relating to commerce; interest rates on money; exempting agricultural credit corporations from interest rate limitations; amending Minnesota Statutes 1974, Section 334.06.

Referred to the Committee on Labor and Commerce.

Messrs. Schmitz, Stassen and Chmielewski introduced—

S. F. No. 2109: A bill for an act relating to the operation of state government; providing for a study on improving public access to state services and facilities; requiring a report.

Referred to the Committee on Governmental Operations.

Messrs. Stokowski; Hansen, Mel; and Ogdahl introduced—

S. F. No. 2110: A bill for an act relating to retirement; including employees of the Minnesota Municipal Utilities Association in membership in the public employees retirement association; amending Minnesota Statutes 1974, Chapter 353, by adding a section.

Referred to the Committee on Governmental Operations.

Mr. Larson introduced—

S. F. No. 2111: A bill for an act relating to taxation; providing for credits and refunds of taxes paid in this state on gasoline and special fuel consumed in other states; amending Minnesota Statutes 1974, Section 296.17, Subdivisions 3 and 12.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hansen, Baldy; and Keefe, S. introduced—

S. F. No. 2112: A bill for an act relating to public employment labor relations; providing for determination of the fair share fee; providing for appeal of that determination; amending Minnesota Statutes 1974, Sections 179.63, by adding a subdivision; 179.65, Subdivision 2; 179.71, Subdivision 2; and 179.72, Subdivision 3.

Referred to the Committee on Labor and Commerce.

Messrs. Sillers and Fitzsimons introduced—

S. F. No. 2113: A bill for an act relating to taxation; providing a credit on taxes measured by net income; amending Minnesota Statutes 1974, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Mr. Frederick introduced—

S. F. No. 2114: A bill for an act relating to Independent School District No. 761; school aids; providing a formula for increased aid for the district.

Referred to the Committee on Education.

Messrs. Gearty and Ogdahl introduced—

S. F. No. 2115: A bill for an act relating to the city of Minneapolis; authorizing a commercial and industrial lease and revenue bond guarantee program; providing for the issuance of limited general obligation bonds, and limited revenue bonds or obligations.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Jensen, Berg and Renneke introduced—

S. F. No. 2116: A bill for an act relating to elections; prohibiting fund raising during certain times; amending Minnesota Statutes, 1975 Supplement, Chapter 210A, by adding a section.

Referred to the Committee on Transportation and General Legislation.

Messrs. Keefe, S.; Ashbach and Coleman introduced—

S. F. No. 2117: A bill for an act relating to census data; providing for implementation of federal law permitting the state to design a plan for return of census data to the state; appropriating money; amending Minnesota Statutes 1974, Section 4.12, Subdivision 7; and Minnesota Statutes, 1975 Supplement, Section 204A.06, Subdivision 1, and by adding a subdivision.

Referred to the Committee on Transportation and General Legislation.

Messrs. Jensen, Bernhagen and Josefson introduced—

S. F. No. 2118: A bill for an act relating to taxation; furnishing of certificates relative to rent paid for income tax credits; amending Minnesota Statutes, 1975 Supplement, Section 290A.19.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Hansen, Mel; McCutcheon and Jensen introduced—

S. F. No. 2119: A bill for an act relating to crimes; abolishing the right to bail or other release under certain circumstances involving violent offenses; amending Minnesota Statutes 1974, Section 629.16.

Referred to the Committee on Judiciary.

Messrs. Doty and Solon introduced—

S. F. No. 2120: A bill for an act relating to the city of Duluth; exempting the Spirit Mountain recreation area authority from the provisions of certain laws relating to retirement and unemployment compensation; amending Laws 1973, Chapter 327, as amended, by adding a section.

Referred to the Committee on Governmental Operations.

Mr. Olhoft introduced—

S. F. No. 2121: A bill for an act relating to Otter Tail county; permitting Otter Tail county to designate a human services board.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. McCutcheon, Doty and Olhoft introduced—

S. F. No. 2122: A bill for an act relating to energy conservation; establishing an energy conservation information center; requiring the commissioner of administration to complete certain energy conservation modifications to state buildings; authorizing the commissioner of administration to promulgate rules concerning energy conservation physical improvements for public school, city, and county buildings; requiring the inspection of certain public buildings; authorizing the issuance of bonds for energy conservation improvements; appropriating money; amending Minnesota Statutes 1974, Chapters 116H, by adding sections; and 120, by adding sections; and Sections 116H.12, by adding subdivisions; and 120.78, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Josefson; Olson, H. D. and Patton introduced—

S. F. No. 2123: A bill for an act relating to railroads; providing for assistance to railroad companies in improving rail service with-

in the state; creating a railroad assistance fund; prescribing the duties of the public service commission; and appropriating money.

Referred to the Committee on Transportation and General Legislation.

Mr. Moe introduced—

S. F. No. 2124: A bill for an act relating to cities; increasing the amount of obligations that may be issued for television systems; validating prior issuances; amending Minnesota Statutes 1974, Section 465.70.

Referred to the Committee on Local Government.

Messrs. Hansen, Baldy; and Patton introduced—

S. F. No. 2125: A bill for an act relating to Freeborn county; appropriating money for lake restoration and improvements.

Referred to the Committee on Natural Resources and Agriculture.

Mr. Keefe, S.; Mrs. Brataas and Mr. Hansen, Baldy introduced—

S. F. No. 2126: A bill for an act relating to the legislature; establishing a legislative commission on the economic status of women; appropriating money.

Referred to the Committee on Rules and Administration.

Messrs. Hansen, Baldy; Knutson and Conzemius introduced—

S. F. No. 2127: A bill for an act relating to products liability; awarding costs to defendants in frivolous cases; amending Minnesota Statutes 1974, Chapter 549, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Josefson, Anderson and Arnold introduced—

S. F. No. 2128: A bill for an act relating to education; loans to medical students; amending Minnesota Statutes, 1975 Supplement, Section 147.30.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Stokowski; Hansen, Mel; and Gearty introduced—

S. F. No. 2129: A bill for an act relating to insurance; eliminating minimum benefit requirement from certain government purchased group insurance plans; changing when certain government insurance contracts be resubmitted to bidding; amending Minnesota Statutes 1974, Section 471.616, Subdivision 1.

Referred to the Committee on Labor and Commerce.

Messrs. Kirchner and Gearty introduced—

S. F. No. 2130: A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in Hennepin county.

Referred to the Committee on Natural Resources and Agriculture.

Messrs. Moe, Olhott and Wegener introduced—

S. F. No. 2131: A bill for an act relating to taxation; inheritance and gift taxes; amending Minnesota Statutes 1974, Sections 291.03; 291.05; 292.05, Subdivision 1; and 292.07, Subdivisions 3 and 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Olson, A. G., and Hughes introduced—

S. F. No. 2132: A bill for an act relating to highway traffic regulations; driving under the influence of drugs or alcoholic beverages; providing for the revocation of a driver's license or permit by the commissioner of public safety upon receipt of chemical test that person's blood contains .10 percent or more by weight of alcohol; providing procedural safeguards; prescribing penalties; and appropriating money; amending Minnesota Statutes 1974, Chapter 169, by adding a section.

Referred to the Committee on Judiciary.

#### MESSAGES FROM THE HOUSE

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. 1647: A bill for an act relating to natural resources; transferring forest pest control jurisdiction from the commissioner of agriculture to commissioner of natural resources; expanding volunteer programs; eliminating certain restrictions on acquisition of public access; changing license fees for commercial fishing on Lake Superior; prohibiting decoys and erection of blinds on public lands; prescribing penalties for certain violations; amending Minnesota Statutes 1974, Sections 18.341, Subdivision 3; 18.391, Subdivision 1; 85.041, Subdivision 1; 97.48, Subdivision 15; 97.55, Subdivisions 1, 2, 3 and 4; 98.46, Subdivision 12; 98.47, Subdivision 9; 100.29, Subdivision 18; and 102.28, Subdivisions 2, 3 and 4; repealing Laws 1963, Chapter 70, Section 1.

Senate File No. 1647 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 12, 1976

**CONCURRENCE AND REPASSAGE**

Mr. Wegener moved that the Senate concur in the amendments by the House to S. F. No. 1647 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1647: A bill for an act relating to natural resources; transferring forest pest control jurisdiction from the commissioner of agriculture to commissioner of natural resources; expanding volunteer programs; eliminating certain restrictions on acquisition of public access; changing license fees for commercial fishing on Lake Superior; prohibiting decoys and erection of blinds on public lands; prescribing penalties for certain violations; amending Minnesota Statutes 1974, Sections 18.341, Subdivision 3; 18.391, Subdivision 1; 85.041, Subdivision 1; 97.55, Subdivisions 1, 2, 3 and 4; 98.46, Subdivision 12; 98.47, Subdivision 9; 100.29, Subdivision 18; and 102.28, Subdivisions 2, 3 and 4; amending Minnesota Statutes, 1975 Supplement, Section 97.48, Subdivision 15; repealing Laws 1963, Chapter 70, Section 1.

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

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

And the roll being called, there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**REPORTS OF COMMITTEES**

Mr. Davies moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S. F. No. 674: A bill for an act relating to administrative procedure; requiring agency estimates of the cost of proposed rules to local public bodies; delaying the effective date of rules involving costs to local public bodies; amending Minnesota Statutes 1974, Section 15.0412, by adding subdivisions.



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

Page 1, line 19, strike everything after the period

Page 1, strike lines 20 and 21

Page 1, line 22, strike "*in either of the two years.*"

Page 2, line 6, strike "*30th*" and insert "*20th*"

Page 2, line 12, strike "*1975*" and insert "*1976*"

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

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

S. F. No. 485: A bill for an act relating to education; vocational rehabilitation; changing the status of the present division of vocational rehabilitation to a department of rehabilitation; providing for a commissioner of rehabilitation and a board and a committee to advise the board; transferring certain powers, duties, functions, employees and appropriations; amending Minnesota Statutes 1974, Sections 121.29; 121.30, Subdivision 1; 121.31; 121.33, Subdivisions 1 and 2; 121.331; 121.712, Subdivision 1; 121.713, Subdivision 3; 121.714, Subdivisions 1, 2, and 4; repealing Minnesota Statutes 1974, Sections 121.32, and 121.714, Subdivision 5.

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

Strike everything after the enacting clause and insert:

"Section 1. [129A.01] [DEFINITIONS.] For the purposes of this chapter, the following terms shall have the meanings given them:

(a) "Department" means the department of vocational rehabilitation;

(b) "Commissioner" means the commissioner of vocational rehabilitation;

(c) "Vocational rehabilitation services" means those services and goods so defined in the federal Rehabilitation Act of 1973 and section 3, clause (b) ;

(d) "Handicapped person" means a person who because of a substantial physical, mental or emotional disability or dysfunction requires special services in order to enjoy the benefits of society;

(e) "Long-term sheltered workshop" means a facility where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing remunerative employment to those handicapped persons who, as a result of physical or mental disability, are unable to participate in competitive employment. A long-term sheltered workshop shall supply such

employment (1) as a step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market, or (2) during such time as employment opportunities for them in the competitive labor market do not exist;

(f) "Work activity program" means a program which utilizes manufacturing activities and other production work for the primary purpose of providing basic vocational skills development for the handicapped.

Sec. 2. [129A.02] [DEPARTMENT OF VOCATIONAL REHABILITATION.] Subdivision 1. [DEPARTMENT CREATED.] The department of vocational rehabilitation is created as the successor to the division of vocational rehabilitation.

Subd. 2. [COMMISSIONER OF VOCATIONAL REHABILITATION.] The commissioner is the chief executive officer of the department and is the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation. The commissioner shall be appointed by the governor with the advice and consent of the senate for a four-year term which will coincide with the term of the governor and until his successor is appointed and qualifies. The commissioner may be removed by the governor at the governor's pleasure. In case of vacancy, the governor shall appoint a commissioner who shall immediately take office and shall carry on all duties of the office until the next session of the legislature when his appointment shall be submitted to the senate for approval. The commissioner shall be a person having substantial experience in the administration and financing of vocational rehabilitation programs.

Subd. 3. [CONSUMER ADVISORY COUNCIL.] To assure that consumer concerns are integral parts of the considerations of the department, the commissioner shall establish and appoint a consumer advisory council on vocational rehabilitation which shall be composed of nine members. No fewer than five members of the council shall be handicapped persons, and there shall be one person appointed to the council to represent each of the following: business, labor, education, medicine and the private rehabilitation industry. The remaining members shall be public members. Under the direction of the commissioner, the council shall organize itself and elect a chairman and other officers as it deems appropriate. The council shall meet at the call of the chairman or the commissioner as often as necessary. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059.

Subd. 4. [STAFF.] The commissioner may establish three positions in the unclassified service limited to the deputy commissioner, assistant commissioner or assistant to the commissioner levels. Persons appointed to fill these positions shall serve at the pleasure of the commissioner.

Sec. 3. [129A.03] [DUTIES AND POWERS.] The commissioner shall:

(a) Develop and administer the long-term sheltered workshops and work activity programs and perform the duties as specified in section 8;

(b) Provide vocational rehabilitation services such as, but not limited to, diagnostic and related services incidental to the determination of eligibility for services to be provided, which services may include medical diagnosis and vocational diagnosis; vocational counseling, training and instruction, including personal adjustment training; physical restoration, including corrective surgery, therapeutic treatment, hospitalization and prosthetic devices, all of which shall be secured from appropriate established agencies; transportation; occupational and business licenses or permits, customary tools and equipment, maintenance, books, supplies and training materials; initial stocks and supplies; placement; the acquisition of vending stands or other equipment, initial stocks and supplies for small business enterprises; supervision and management of small business enterprises, merchandising programs or services rendered by severely disabled persons; the establishment, improvement, maintenance or extension of public and other non-profit rehabilitation facilities, centers, workshops, demonstration projects and research. These services shall be provided for handicapped persons in the state whose capacity to earn a living has in any way been destroyed or impaired through industrial accident or otherwise, provided that such persons shall be entitled to free choice of vendor for any medical or dental services thus provided;

(c) Formulate plans of cooperation with the commissioner of labor and industry with reference to providing services to workers covered under the workmen's compensation act. Those plans shall be effective only when approved by the governor;

(d) Maintain a contractual relationship with the United States as authorized by the act of Congress approved September 1, 1954, known as the "Social Security Amendments of 1954," being Public Law 761, Section 221, and the act approved October 30, 1972, known as the Social Security Amendments of 1972, being Public Law 92-603, and subsequent amendments thereto, in which agreement the state will undertake to make determinations referred to in those public laws with respect to all individuals in Minnesota, or with respect to such class or classes of individuals in this state as may be designated in the agreement at the state's request, it being the purpose of this relationship to permit the citizens of this state to obtain all benefits available under federal law;

(e) Provide an in-service training program for department employees by paying for the direct costs thereof with state and federal funds;

(f) Conduct research and demonstration projects; provide training and instruction, including the establishment and maintenance of research fellowships and traineeships, along with all necessary stipends and allowances; disseminate information to the handicapped and general public; and provide technical assistance relating to vocational rehabilitation;

(g) Receive and disburse pursuant to law funds and gifts available from governmental and private sources for the purpose of vocational rehabilitation;

(h) Design all state plans of vocational rehabilitation services required as a condition to the receipt and disbursement of any funds available from the federal government;

(i) Cooperate with other public or private agencies or organizations for the purpose of vocational rehabilitation;

(j) Enter into contractual arrangements with instrumentalities of federal, state, or local government and with private individuals, organizations, agencies or facilities with respect to providing vocational rehabilitation services;

(k) Take other actions required by state and federal legislation relating to vocational rehabilitation and disability determination programs;

(l) Hire the staff and arrange for the provision of services and facilities necessary to perform the duties and powers specified in this section; and

(m) Adopt, amend, suspend or repeal rules necessary to implement or make specific programs which the commissioner by this act is empowered to administer.

Sec. 4. [129A.04] [DISABILITY DETERMINATIONS; PROTECTION OF PERSONS MAKING REPORT.] No communication or statement furnished by a physician or other professional person to the department or any other agency of the state for use in connection with an agreement or contractual relationship as contemplated in section 3, clause (d), shall be made the subject of any slander, libel or defamation action.

Sec. 5. [129A.05] [REPORTS: AVAILABILITY, NO DISCLOSURE.] Subdivision 1. The employees of the department specifically authorized by the commissioner shall have the right to receive from any public records the names, addresses and information pertinent to their vocational rehabilitation of persons injured or otherwise disabled. Except as provided in subdivision 2, no information obtained from these reports, nor any copy of the same, nor any of the contents thereof, nor other confidential information as defined by the commissioner shall be open to the public, nor shall be disclosed in any manner by any official or clerk or other employee of the state having access thereto, but the same may be used, except as provided in subdivision 2, solely to enable the department to offer the benefits of vocational rehabilitation to the persons injured or otherwise disabled.

Subd. 2. When the employees of the department have knowledge relating to the nature and extent of an injury or disability or have knowledge of other relevant or material facts with respect to any claim made pursuant to chapter 176 by an injured employee, the commissioner shall first obtain the written consent of the injured employee to the release of the information and

shall then report to any party to the claim under the workmen's compensation law and to the workmen's compensation division or the workmen's compensation commission, as the case may be, all of the facts within ten days after the department has received written request for such information from the workmen's compensation division or the workmen's compensation commission, as the case may be. At a hearing before a compensation judge or the workmen's compensation commission on appeal, an employee of the department may, upon written consent of the injured employee, disclose the facts and conclusions upon which the vocational rehabilitation evaluation of the injured employee was made.

**Sec. 6. [129A.06] [COMMUNITY LONG-TERM SHELTERED WORKSHOPS AND WORK ACTIVITY PROGRAMS; APPLICANTS FOR ASSISTANCE.]** Subdivision 1. Any city, town, county, nonprofit corporation, or any combination thereof, may apply to the commissioner for assistance in establishing or operating a community long-term sheltered workshop or work activity program. Application for assistance shall be on forms supplied by the commissioner. Each applicant shall annually submit to the commissioner its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the commissioner.

**Sec. 7. [129A.07] [COMMUNITY LONG-TERM SHELTERED WORKSHOP BOARDS.]** Subdivision 1. Every city, town, county, nonprofit corporation, or combination thereof establishing a community long-term sheltered workshop or work activity program shall appoint a long-term sheltered workshop board of no fewer than nine members before becoming eligible for the assistance provided by sections 6 to 8. When any city, town, or county singly establishes such a workshop or work activity program, the board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the county or town. When any combination of cities, towns, counties or nonprofit corporations establishes a workshop or work activity program, the chief executive officers of the cities, nonprofit corporations and the chairmen of the governing bodies of the counties or towns shall appoint the board. If a nonprofit corporation singly establishes a workshop or work activity program, the corporation shall appoint the board of directors. Membership on a board shall be representative of the community served and shall include a handicapped person. One-third to one-half of the board shall be representative of industry or business. The remaining members should be representative of lay associations for the handicapped, labor, the general public, and education, welfare, medical, and health professions. Nothing in sections 6 to 8 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring nonprofit corporation to the board, so long as representation described above is preserved.

**Subd. 2.** The term of office of each member of the community long-term sheltered workshop or work activity board shall be for four years, measured from the first day of the year of ap-

pointment, except as follows: Of the members first appointed, at least three shall be appointed for a term of two years, at least three for a term of three years and at least three for a term of four years. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Any member of a board may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office, after being given a written statement of charges and an opportunity to be heard thereon.

Subd. 3. Subject to the provisions of sections 6 to 8 and the rules of the department, each community long-term sheltered workshop or work activity program board shall:

(a) Review and evaluate the need for a long-term sheltered workshop services or work activity program provided pursuant to sections 6 to 8 and report thereon to the commissioner and, when indicated, the public, together with recommendations for additional services and facilities;

(b) Recruit and promote local financial support for the program from private sources such as community chests, business, industrial and private foundations, voluntary agencies and other lawful sources and promote public support for municipal and county appropriations;

(c) Promote, arrange and implement working agreements with other educational and social service agencies both public and private and any other allied agencies;

(d) Advise the commissioner on the adoption and implementation of policies to stimulate effective community relations;

(e) Review the annual plan and budget and make recommendations thereon;

(f) When so determined by the authority establishing the program, act as the administrator of the program.

Sec. 8. [129A.08] [DUTIES AND POWERS OF THE COMMISSIONER IN RESPECT TO LONG-TERM SHELTERED WORKSHOPS AND WORK ACTIVITY PROGRAMS.] Subdivision 1. The commissioner may make grants to assist cities, towns, counties, nonprofit corporations, or any combination thereof in the establishment, operation and expansion of long-term sheltered workshops or work activity programs. The commissioner may accept federal grants or aids and shall cooperate with federal agencies in any reasonable manner necessary to qualify for federal grants or aids for long-term sheltered workshops or work activity programs.

Subd. 2. At the beginning of each fiscal year, the commissioner shall allocate available funds to long-term sheltered workshops and work activity programs for disbursement during the fiscal year in accordance with approved plans or budgets. The commissioner shall from time to time during the fiscal year review the budgets and expenditures of the various programs and if funds are not needed for the program to which they were allo-

cated, he may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. He may withdraw funds from any program which is not being administered in accordance with its approved plan and budget and with relevant department rules.

Subd. 3. The grant may not exceed an amount equal to 75 percent of the normal operating expenses of the long-term sheltered workshop or work activity program. Wages paid clients or long-term workers are to be excluded in determining operating cost. In the event that there are inadequate funds appropriated to meet the foregoing provisions in full, they shall be prorated proportionately.

Subd. 4. In addition to the powers already conferred on him by law, the commissioner shall promulgate rules in regard to the following matters:

(a) State certification of all long-term sheltered workshops and work activity programs;

(b) Eligibility of community long-term sheltered workshops and work activity programs to receive state grants;

(c) Standards for qualification of personnel and quality of professional service and for in-service training and education leave programs for personnel;

(d) Eligibility for service so that no person will be denied service on the basis of race, creed or color;

(e) Regulatory fees for consultation services; and

(f) Standards and criteria by which handicapped persons are to be judged eligible for the services.

Sec. 9. [EFFECT OF TRANSFER TO DEPARTMENT OF VOCATIONAL REHABILITATION.] Subdivision 1. [TRANSFER OF ADMINISTRATIVE FUNCTIONS.] The powers, duties and functions of the Minnesota state department of education relating to vocational rehabilitation are transferred to the department of vocational rehabilitation. The commissioner of vocational rehabilitation shall be the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation within the department of education and to the powers and duties of the board of education relative to vocational rehabilitation.

Subd. 2. [TRANSFER NOT TO CONSTITUTE NEW AUTHORITY.] Except as provided herein, the transfer of powers, duties and functions under sections 1 to 9 shall not constitute the creation of a new authority, but shall constitute a continuation of the powers, duties and functions. For the purpose of succession, all rights, authorities, powers, duties, functions and obligations existing at the time of the transfer shall continue with the same force and effect as if no transfer had been made.

Subd. 3. [CONTINUATION OF RULES AND REGULATIONS.] Any order, rule or regulation issued or existing and in

force at the time of the transfer of powers, duties and functions under sections 1 to 9 shall continue in full force and effect as an order, rule or regulation of the department, or program under the control of the commissioner, until the order, rule or regulation is amended, repealed or superseded, or the program terminated.

Subd. 4. [TRANSFER NOT TO AFFECT LEGAL ACTION.] The transfer of powers, duties and functions as provided in sections 1 to 9 shall not affect any action or proceeding whether of an administrative, civil or criminal nature pending at the time of the transfer, but the action shall be prosecuted or defended in the name of the commissioner or his designee, and the commissioner or his designee, upon application to the appropriate court, shall be substituted as a party to the action or proceeding. No contract entered into according to law shall be affected by the transfer, but shall be performed as if the transfer had not occurred.

Subd. 5. [PENSION RIGHTS CONTINUED.] The rights and privileges of any official, appointee or employee who is a member or beneficiary of any public pension or retirement system at the time of this transfer shall not be affected by the transfer.

Subd. 6. [TRANSFER OF STATUTORY REFERENCE.] Whenever a person or authority whose powers, duties and functions are transferred hereunder is referred to in any statute, contract or document, the reference or designation shall be deemed to refer to the department or officer to which the powers, duties and functions have been transferred.

Subd. 7. [CONTINUATION OF RIGHTS OF EMPLOYMENT.] All officers and employees in the classified service, pursuant to the provisions of the state personnel act, of the division of vocational rehabilitation are transferred to the department of vocational rehabilitation, and the employees shall not lose any rights now accorded them by law.

Subd. 8. [TRANSFER OF EXISTING APPROPRIATIONS.] The unencumbered and unexpended balance of all funds appropriated to the department of education for vocational rehabilitation purposes are transferred and reappropriated to the department of vocational rehabilitation for the purposes of sections 1 to 9.

Sec. 10. [REPEALER.] Minnesota Statutes 1974, sections 121.29; 121.30; 121.301; 121.31; 121.32; 121.33; 121.331; 121.71; 121.711; 121.712; 121.713 and 121.714 are repealed.

Sec. 11. [EFFECTIVE DATE.] This act takes effect July 1, 1976."

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

"A bill for an act relating to the operation of state government; creating a department of vocational rehabilitation; transferring the powers and duties of the division of vocational rehabilitation to the department; transferring personnel and appropriations; repealing Minnesota Statutes 1974, sections 121.29; 121.30; 121.301; 121.31; 121.32; 121.33; 121.331; 121.71; 121.711; 121.712; 121.713 and 121.714."



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

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

S. F. No. 1876: A bill for an act relating to the operation of state government; correcting the nomenclature of or restructuring several boards and committees; limiting the use of advisory groups; standardizing the terms, compensation and removal of members of committees; abolishing or transferring the functions of several state agencies including the public relief advisory committee, the Minnesota-South Dakota boundary waters commission, the motor vehicle reciprocity commission, the Big Island veterans camp board of directors, the Minnesota insurance guaranty association board of directors, the publications advisory board, the Indian education committee, the advisory committee for mentally retarded and cerebral palsied community residential facilities, and the state teletypewriter advisory committee; amending Minnesota Statutes 1974, Sections 3.30, by adding a subdivision; 17.52; 17.53, Subdivision 5; 17.54, Subdivisions 2, 4 and 5; 21A.02, Subdivision 5; 21A.03; 21A.10; 29.14, Subdivision 4; 29.15, Subdivisions 1 and 4; 30.463, Subdivision 2; 30.465; 30.466; 32B.03, Subdivision 4; 32B.04, Subdivision 5, and by adding a subdivision; 60C.03, by adding a subdivision; 60C.05; 60C.06, Subdivision 3; 60C.07; 60C.09, Subdivision 2; 60C.10; 60C.11; 60C.12; 60C.14, Subdivision 2; 60C.15; 84.01, Subdivision 5; 114.12; 116E.02, Subdivision 1; 116E.03, Subdivision 7, and by adding a subdivision; 121.83; 136A.02, Subdivision 5; 141.24; 168.187, Subdivisions 7, 8, 9, 11, 12, 15, 18, 24 and 25; 178.02, Subdivision 2; 197.15; 197.16; 252.28, Subdivision 2, and by adding a subdivision; 256.01, Subdivision 6; 326.41; 326.49; 481.01; Chapters 15, 21A. 60C and 114, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 15.012; 15.059, Subdivision 4; 84B.11, Subdivision 1; 86A.10, Subdivision 1; 115.71, Subdivision 4; 115.74, Subdivision 1; 125.183, Subdivision 1; 148.231, Subdivision 2; 149.02; 151.03; 155.05; 198.055, Subdivision 1; 326.241, Subdivision 1; 326.33, Subdivision 1; Extra Session Laws 1971, Chapter 31, Article 13, Section 1, as amended; repealing Minnesota Statutes 1974, Sections 17.60; 17.601; 21A.04; 32B.04, Subdivision 2; 72B.09; 114.01 to 114.08; 126.023; 168.187, Subdivision 6; 178.02, Subdivision 3; 197.14; 252.29; 299C.47; 362.16; Minnesota Statutes, 1975 Supplement, Section 86A.10, Subdivisions 3, 4 and 5; and Laws 1975, Chapter 380, Section 8.

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

Page 2, after line 17, insert:

"Sec. 2. Minnesota Statutes, 1975 Supplement, Section 15.01, is amended to read:

15.01 [DEPARTMENTS OF THE STATE.] The following agencies are designated as the departments of the state government: the department of administration; the department of aeronautics; the department of agriculture; the department of com-

merce; the department of corrections; the department of economic development; the department of education; the department of employment services; the department of finance; the department of health; the department of highways; the department of human rights; the department of labor and industry; the department of military affairs; the department of natural resources; the department of personnel; the department of public safety; the department of public service; the department of public welfare; the department of revenue; and the department of veterans affairs ; *and their successor departments .*"

Page 4, after line 18, insert:

"Sec. 5. Minnesota Statutes, 1975 Supplement, Section 15.059, Subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the advisory councils and committees shall be compensated at the rate of \$25 \$35 per day spent on council or committee activities , *when authorized by the council or committee*, plus expenses in the same manner and amount as state employees. Members who are state employees or employees of political subdivisions shall not receive the \$25 \$35 per day ; *but they shall suffer no loss in compensation or benefits from the state or political subdivision as a result of their services on the council or committee if the activities occur during normal working hours for which they are also compensated by the state or political subdivision .* Members who are full time state employees or full time employees of the political subdivisions of the state may receive the expenses provided for in this section unless the expenses are reimbursed by another source."

Page 5, after line 1, insert:

"Sec. 7. Minnesota Statutes 1974, Section 16.71, Subdivision 1, is amended to read:

16.71 [STATE EMPLOYEES SUGGESTION BOARD.] Subdivision 1. [MEMBERSHIP.] Within the office of the commissioner of administration is created and established the ~~Minnesota State Employees Merit Award Board~~ *state employees suggestion board* , herein called the board, composed of ~~five~~ *seven* members, appointed by the governor, each of whom is a state officer or employee. ~~The term of the first board shall begin July 1, 1955, and expire February 1, 1957. Thereafter~~ Terms of office shall be two years. Members shall be appointed by the governor and serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of duty. Vacancies in membership shall be filled by appointment of the governor for the remainder of the unexpired term. The board shall annually elect a member to be chairman."

Page 6, line 7, strike "*. Councils created*"

Page 6, line 8, strike all new language

Pages 6 and 7, strike sections 8 and 9

Pages 8 and 9, strike sections 12 and 13

Pages 9 and 10, strike sections 15 and 16

Pages 11 and 12, strike sections 18 and 19

Pages 13 and 14, strike sections 21 and 22

Page 28, line 25, strike "Subdivision 1,"

Page 29, after line 17, insert:

"Subd. 2. *The council shall expire and membership terms, compensation of members, removal of members, and the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09 section 15.059 and section 4 of this act.*

Subd. 3. When new members are appointed to the board council a chairman shall be elected at the next board meeting. The state department of health representative or other representative designated by the board council shall serve as secretary of the board council, except that the secretary shall be responsible for maintaining records relating to certification of water supply system operators and the Minnesota pollution control agency shall be responsible for maintaining records relating to certification of wastewater treatment facility operators.

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

Page 30, line 3, strike the new language and insert "state council"

Page 33, line 8, strike "force" and insert "forces"

Page 34, line 23, strike "advisory council" and insert "task force"

Page 45, after line 20, insert:

"Sec. 56. Minnesota Statutes 1974, Section 197.13, is amended to read:

197.13 [LAND SECURED FOR RECREATION CAMPS FOR VETERANS.] The board of governors created by section 197.14 is hereby authorized and directed to purchase Big Island, Lake Minnetonka, and all buildings and other appurtenances thereon on which is presently located the Big Island Veterans Camp, and which is described as follows: Government Lot One (1), Section Fourteen (14), Township One Hundred Seventeen (117), Range Twenty-three (23); Government Lot Two (2), Section Twenty-three (23), Township One Hundred Seventeen (117), Range Twenty-three (23); and that part of Government Lot Three (3), Section Twenty-three (23), Township One Hundred Seventeen (117), Range Twenty-three (23), commencing at the Northeast corner of said Government Lot Three (3), Section Twenty-three (23); thence Southwesterly along the lake shore to the Northeast corner of Lot A, Morse Island Park; thence South 350 feet to Lake Minne-

tonka; thence East along the shore of Lake Minnetonka to the East line of said Lot Three (3); thence North to the place of beginning, for the establishment and maintenance of a recreation and recuperative camp for the use and benefit of disabled veterans of the world war and other wars, resident in the state. Title to said land, buildings, and other appurtenances shall be held in the name of *transferred* by the board of governors of the Big Island Veterans Camp to the state of Minnesota. Any funds derived from any appropriations, contributions, unexpended balances, or revenues heretofore or hereafter existing to the credit of any such veterans' camp operating under the provisions of sections 197.13 to 197.17 may be used for the purchase of land for such camp."

Page 46, strike the new language in lines 11 to 15

Page 47, line 17, strike "seven" and insert "eleven"

Page 48, line 5, strike "Four" and insert "Six"

Page 48, line 7, strike "three" and insert "five"

Page 48, after line 17, insert:

*"Sec. 60. Three of the four members added to the veterans advisory committee by this act shall be members or former members of the board of governors of the Big Island veterans camp.*

Sec. 61. Minnesota Statutes, 1975 Supplement, Section 198.055, Subdivision 2, is amended to read:

Subd. 2. [DUTIES AND RESPONSIBILITIES.] The committee may *shall* examine the operation of the department of veterans affairs, including the administration of the statutory duties of the commissioner. It may also examine any issues and problems relating to veterans. *The committee shall advise the commissioner on matters relating to the veterans home and veterans camps which are within the jurisdiction of the commissioner.* The committee may make recommendations to the commissioner it may determine to be appropriate. "

Pages 49 and 50, strike section 67 and insert:

"Sec. 63. Minnesota Statutes 1974, Chapter 252, is amended by adding a section to read:

[252.31] [ADVISORY COUNCIL.] *The commissioner of public welfare shall appoint an advisory council of 11 members to be known as the advisory council for the mentally retarded and physically handicapped. The council shall advise the commissioner relative to those laws for which the commissioner is responsible to administer and enforce relating to mental retardation and physical disabilities. The council shall consist of persons who are providers or consumers of service for the mentally retarded or physically handicapped, or who are interested citizens. The commissioner of education and the commissioner of health or their designees shall be non-voting ex-officio members and shall advise the council as to rules, regulations and services which relate to the departments of education and health. The council shall expire and the terms, compensation and removal of appointed members shall be as provided in section 15.059."*

Page 53, line 27, delete "13" and insert "XIII"

Page 53, line 28, after the comma insert "and Laws 1975, Chapter 437, Article VII, Sections 1 and 2,"

Page 53, line 30, strike "commission" and insert "committee"

Page 54, line 2, strike "commission" and insert "committee"

Page 54, line 3, reinsert the stricken " "Tax Study"

Page 54, line 3, strike the new language

Page 54, line 4, strike "Taxation" and insert "Committee"

Page 54, line 4, strike "commission" and insert "committee"

Page 54, after line 5, insert:

"Subd. 2. [INCOME TAX AND SALES TAXES.] The ~~commission~~ *committee* shall examine *the* individual and corporate income tax and sales taxes as *they relate to real estate taxes* with the purpose of determining more equitable individual and corporate tax burdens.

Subd. 3. [MEMBERSHIP.] The ~~commission~~ *committee* shall consist of no more than 15 members: five members of the house of representatives appointed by the speaker; five members of the senate appointed by the senate committee on committees; and five members shall be chosen by the governor from within or without the state. Any vacancy shall be filled by the appointing authority. A ~~commission~~ *committee* member appointed by the speaker of the house or the senate committee on committees shall only be a member of the ~~commission~~ *committee* so long as he is a member of the body from which he was appointed. The ~~commission~~ *committee* shall continue until June 30, ~~1975~~ 1977. *The terms, compensation and removal of members who are not legislators shall be as provided in section 15.059 and section 4 of this act.*

Subd. 4. [REPORT OF COMMITTEE.] The ~~commission~~ *committee* shall report its findings and a definite comprehensive plan for legislative and administrative action to the governor and legislature no later than November 15, ~~1974~~ 1976.

Subd. 5. [MEETINGS, POWERS, OFFICERS.] The ~~commission~~ *committee* may hold meetings and hearings at such times and places as it may designate to accomplish the purposes set forth in this section, and may subpoena witnesses and records. It shall select a chairman, a vice chairman, and such other officers from its membership as it deems necessary.

Subd. 6. [EXPENSES, EMPLOYEES.] Members of the ~~commission~~ shall be compensated and shall be allowed and paid their actual traveling and other expenses necessarily incurred in the performance of their duties. The ~~commission~~ *committee* may hire employees, rent office space, purchase supplies, contract with consultants, and do all things necessary and convenient in carrying out the purposes of this section. The ~~commission~~ *committee* shall use the available facilities and personnel of the legislature and the revisor of statutes unless the ~~commission~~ *committee* by resolution

determines a special need exists for the use of other facilities or personnel. ~~Reimbursement for expenses incurred for all members of the commission shall be made in accordance with Minnesota Statutes, Section 3.102.~~

Subd. 7. [ACCEPTANCE OF GIFTS AND GRANTS.] ~~The commission committee~~ may, in the name and on behalf of the state of Minnesota, accept and dispose of gifts, grants, or loans of money or other property from the United States or any other source for the purpose of conducting investigations.

Subd. 8. [APPROPRIATION.] There is hereby appropriated for the biennium ending June 30, 1977, from the general fund the sum of \$200,000 to pay the expenses incurred by the ~~commission committee~~. The amount appropriated by this subdivision is in addition to such sums of money which may be heretofore appropriated to the "Tax Study ~~Commission Committee~~".

Sec. 71. Laws 1975, Chapter 271, Section 3, is amended to read:

Sec. 3. Name changes. The names of the following state agencies are changed to the new names as provided hereafter:

(1) Advisory committee on workmen's compensation to advisory council on workmen's compensation;

(2) Advisory commission on fluctuating school enrollments to advisory council on fluctuating school enrollments;

(3) Capitol area architectural and planning commission to capitol area architectural and planning board;

(4) Commission on judicial standards to board on judicial standards;

(5) Economic development advisory commission to economic development advisory committee;

(6) Employment agency advisory board to employment agency advisory council;

(7) Environmental quality council to environmental quality board;

(8) Ethics commission to ethical practices board;

(9) Gillette hospital authority to Gillette hospital board;

(10) Governor's citizens council on aging to Minnesota board on aging;

(11) Higher education coordinating commission to higher education coordinating board;

(12) Indian affairs commission to Indian affairs board;

(13) Intergovernmental information services advisory council to intergovernmental information systems advisory council;

(14) Iron range resources and rehabilitation commission to iron range resources and rehabilitation board;

(15) Joint committee to review administrative rules to legislative commission to review administrative rules;

(16) Joint coordinating committee to legislative coordinating commission;

(17) Land exchange commission to land exchange board;

(18) Legislative advisory committee to legislative advisory commission;

(19) Legislative retirement study commission to legislative commission on pensions and retirement;

(20) Licensed practical nursing board to board of licensed practical nursing;

(21) Meat improvement board to meat advisory council;

(22) Minnesota abstractors board of examiners to board of abstractors;

(23) Minnesota commission for the handicapped to council for the handicapped;

(24) Minnesota corrections authority to corrections board;

(25) Minnesota environmental education council to environmental education board;

(26) Minnesota resources commission to legislative commission on Minnesota resources;

(27) Municipal commission to Minnesota municipal board;

(28) Occupational safety and health advisory board to occupational safety and health advisory council;

(29) Occupational safety and health review commission to occupational safety and health review board;

(30) Physical therapists examining committee to physical therapists examining council;

(31) Podiatry examining board to board of podiatry;

(32) Private detective and protective agent licensing board to board of private detective and protective agent services;

(33) Real estate advisory commission to real estate advisory council;

(34) Soil and water conservation commission to *state* soil and water conservation board;

(35) Southern Minnesota rivers basin commission to southern Minnesota rivers basin board;

(36) State arts council to state arts board;

(37) State board of examiners of psychologists to board of psychology;

(38) State boxing commission to board of boxing;

(39) State claims commission to legislative commission on claims;

(40) State commission on cable communications to cable communications board;

(41) State cosmetology board to board of cosmetology;

(42) State information services advisory council to state information systems advisory council;

(43) State registration board for architects, engineers and land surveyors to board of architecture, engineering and land surveying;

(44) State teletypewriter communications advisory committee to state teletypewriter communications advisory council;

(45) Teachers standards and certification commission to board of teachers standards and certification;

(46) Veterinary examining board to board of veterinary medicine;

(47) Workmen's compensation commission to workmen's compensation board.

The name changes adopted by this section shall not in any way affect the powers and duties of the agencies."

Page 55, after line 27, insert:

*"Subd. 5a. In chapter 40, substitute the words "state board" or "state soil and water conservation board", as appropriate, for the words "commission" or "state soil and water conservation commission" wherever those words occur."*

Page 56, line 4, after "Subdivision 2;" insert "60C.08;"

Page 56, line 8, strike "Section" and insert "Sections"

Page 56, line 8, after "86A.10" strike the semicolon and insert a comma

Page 56, line 8, after "5" insert "; and 241.023"

Page 56, line 10, after "79." insert *"Sections 56 to 61, and related transfers and continuations pursuant to section 73, shall be effective May 1, 1976. The remainder of"*

Page 56, line 10, after the period, insert *"The state environmental education council shall continue to have 13 members appointed by the governor until July 1, 1978, at which time the reduction in size of the state council as specified in section 35 shall be effective."*

Page 56, line 16, after the period insert *"The board of governors of the Big Island veterans camp shall remain in existence until it has transferred title to its real property to the state of Minnesota as provided in this act."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 20, after "subdivision;" insert "16.71, Subdivision 1;"

Page 1, line 21, strike "Subdivisions 2, 4 and 5" and insert "Subdivision 2"



Page 1, line 22, strike "21A.10;"

Page 1, lines 22 and 23, strike "29.15, Subdivisions 1 and 4;"

Page 1, line 24, strike "30.465; 30.466;"

Page 1, line 24, strike "32B.04,"

Page 1, strike line 25

Page 1, line 33, after "Subdivision 2;" insert "197.13;"

Page 1, lines 34 and 35, strike ", and by adding a subdivision"

Page 1, line 36, strike "21A,"

Page 1, line 36, strike "and" and insert a comma

Page 1, line 36, after "114," insert "and 252"

Page 1, line 38, after "Sections" insert "15.01;"

Page 1, line 38, strike "Subdivision" and insert "Subdivisions 3 and"

Page 1, line 40, strike ", Subdivision 1"

Page 2, line 1, strike "Subdivision 1" and insert "Subdivisions 1 and 2"

Page 2, line 4, strike "Section 1,"

Page 2, line 4, after "amended;" insert "Laws 1975, Chapter 271, Section 3;"

Page 2, line 5, after "Sections" insert "15.046, as amended;"

Page 2, line 6, after "2;" insert "60C.08;"

Page 2, line 9, strike "Section" and insert "Sections"

Page 2, line 10, strike "Laws 1975," and insert "241.023."

Page 2, strike line 11

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

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

H. F. No. 369: A bill for an act relating to the legislature; providing for the filing of state documents with the legislature; establishing duties of legislative reference library; amending Minnesota Statutes 1974, Sections 3.195; and 3.302, Subdivision 3.

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35

S. F. No. 1979: A bill for an act relating to hospitals; providing for loans to medical students who agree to practice in the hospital district; amending Minnesota Statutes 1974, Chapter 447, by adding a section.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Health, Welfare and Corrections. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35

S. F. No. 1954: A bill for an act relating to bingo; providing penalties; repealing Minnesota Statutes 1974, Chapter 349.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Transportation and General Legislation. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35

S. F. No. 1991: A bill for an act relating to education; providing for loans to medical students on certain conditions; amending Minnesota Statutes, 1975 Supplement, Section 147.30.

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 1530 for comparison to companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

CALENDAR OF					
GENERAL ORDERS		ORDINARY MATTERS		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1530	1653				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1530 be amended as follows:

Strike everything after the enacting clause and insert:

**"Section 1. [LEGISLATIVE FINDINGS AND PURPOSE.]**  
*The legislature finds and declares that the local governmental units within the metropolitan area are interdependent, that the growth and patterns of urbanization within the area create the need for additional state, metropolitan and local public services and facilities and increase the danger of air and water pollution, and that developments in one local governmental unit may have an impact on the provision of regional capital improvements for sewers, transportation, airports and regional recreation open space. Since problems of urbanization and development transcend local governmental boundaries, there is a need for the adoption of coordinated plans, programs and controls by all local governmental units and school districts in order to protect the health, safety and welfare of the residents of the metropolitan area and to ensure coordinated, orderly and economic development. Therefore, it is the purpose of sections 1 to 18 to (1) establish requirements and procedures to accomplish comprehensive local planning with land use controls consistent with planned, orderly and staged develop-*

*ment and the metropolitan system plans, and (2) to provide assistance to local governmental units and school districts within the metropolitan area for the preparation of plans and official controls appropriate for their areas and consistent with metropolitan system plans.*

Sec. 2. [473.901] [DEFINITIONS.] *Subdivision 1. As used in sections 1 to 18, the following terms shall have the meanings given them.*

*Subd. 2. "Advisory metropolitan land use committee" or "advisory committee" means an advisory committee established by the metropolitan council pursuant to section 3.*

*Subd. 3. "Applicable planning statute" means Minnesota Statutes, Sections 394.21 to 394.37 for counties and Minnesota Statutes, Sections 462.351 to 462.364 for cities and towns.*

*Subd. 4. "Capital improvement program" means an itemized program for a five year prospective period, subject to at least biennial review, setting forth the schedule, timing, and details of specific contemplated public improvements by year, together with their estimated cost, the need for each improvement, financial sources, and the financial impact that the improvements will have on the local governmental unit or school district.*

*Subd. 5. "Comprehensive plan" means the comprehensive plan of each local governmental unit described in sections 6 and 7.*

*Subd. 6. "Local governmental unit" or "unit" means all cities, counties and towns lying in whole or in part within the metropolitan area, but does not include school districts.*

*Subd. 7. "School district" has the meaning given it by Minnesota Statutes, Section 120.02, Subdivisions 14 and 15, and includes any independent or special school district wholly or partly within the metropolitan area.*

*Subd. 8. "Metropolitan system plans" means the airports portion of the metropolitan development guide; and the policy plans, development programs and capital budgets for metropolitan waste control, transportation, and regional recreation open space.*

*Subd. 9. "Official controls" or "controls" means ordinances and regulations which control the physical development of a city, town or any part thereof or any detail thereof and implement the general objectives of the comprehensive plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.*

*Subd. 10. "Private sewer facility" means a single lot, multiple lot or other sewage collection or treatment facility owned, constructed or operated by any person other than a local governmental unit or the metropolitan waste control commission.*

Sec. 3. [473.903] [ADVISORY COMMITTEE.] *The council shall establish an advisory metropolitan land use committee pursuant to section 473.127, comprised of 16 members, one from each council district, and as many additional members as are necessary to provide*

representation from each metropolitan county, plus a chairman. 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.

Sec. 4. [473.904] [GUIDELINES.] *The council shall prepare and adopt guidelines and procedures relating to the requirements and provisions of sections 1 to 18 which will provide assistance to local governmental units and school districts in accomplishing the provisions of sections 1 to 18.*

Sec. 5. [473.906] [METROPOLITAN SYSTEMS STATEMENT.] *Subdivision 1. By April 1, 1977, the council shall transmit to each local governmental unit a metropolitan systems statement. In the preparation of metropolitan systems statements, the council shall consult with appropriate commissions and officials of the unit. The statement shall contain information relating to the unit and surrounding territory that the council determines necessary for the unit to consider in preparing its comprehensive plan, including the following:*

(a) *The timing, character, function, location, projected capacity and conditions on use, for existing or planned public facilities specified in metropolitan system plans, including at least interceptor sewers, highways, transit systems, airports, and regional recreation open space;*

*Information shall also be specified for state and federal public facilities to the extent known to the council;*

(b) *Population, employment and housing need projections which have been used by the council as a basis for its metropolitan systems plans;*

(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.*

*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.*

Sec. 6. [473.908] [COMPREHENSIVE PLANS; LOCAL GOVERNMENTAL UNITS.] *Subdivision 1. Within three years following the receipt of the metropolitan systems statement, every local governmental unit shall have prepared a comprehensive plan in accordance with sections 1 to 18 and the applicable planning statute and shall have submitted the plan to the metropolitan council for review pursuant to section 9. The provisions of sec-*

tions 1 to 18 shall supersede the provisions of the applicable planning statute wherever a conflict may exist.

Subd. 2. Local governmental units shall submit their proposed comprehensive plans to adjacent governmental units and affected school districts for review and comment at least six months prior to submission of the plan to the council.

Subd. 3. The comprehensive plans shall be submitted to the council following approval by the planning commission of the unit, if any, and after consideration but before final approval by the governing body of the unit.

Subd. 4. Prior to the adoption of comprehensive plans pursuant to sections 1 to 18, existing comprehensive plans, capital improvement programs, sewer policy plans and official controls of local governmental units shall remain in force and effect. Existing comprehensive plans, capital improvement programs, sewer policy plans, and official controls may be amended as appropriate and new capital improvements programs and official controls may be prepared and adopted prior to the submission to the council of comprehensive plans required by sections 1 to 18.

Sec. 7. [473.910] [COMPREHENSIVE PLAN CONTENT.] Subdivision 1. The comprehensive plan shall contain objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and waters within the jurisdiction of the local governmental unit through 1990 and may extend through any year thereafter which is evenly divisible by five. Each plan shall specify expected industrial and commercial development, planned population distribution, and local public facility capacities upon which the plan is based. Each plan shall contain a discussion of the use of the public facilities specified in the metropolitan system statement and the effect of the plan on adjacent local governmental units and affected school districts. Existing plans and official controls may be used in whole or in part following modification, as necessary, to satisfy the requirements of sections 1 to 18. The comprehensive plan may contain any additional matter which may be included in a comprehensive plan of the applicable local governmental unit pursuant to the applicable planning statute.

Subd. 2. [LAND USE PLAN.] A land use plan shall designate the existing and proposed location, intensity and extent of use of land and water for agricultural, residential, commercial, industrial and other public and private purposes, or any combination of such purposes. The land use plan shall contain a protection element, as appropriate, for historic sites and the matters listed in section 473.204. 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.

Subd. 3. [PUBLIC FACILITIES PLAN.] A public facilities plan shall describe the character, location, timing, sequence, function, use and capacity of existing and future public facilities of the local governmental unit, and contain at least the following parts:

(a) *A transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed public and private transportation services and facilities;*

(b) *A sewer policy plan describing, designating and scheduling the areas to be sewered by the public system, the existing and planned capacities of the public system, the standards and conditions under which the installation of private sewer systems will be permitted, and to the extent practicable, the areas not suitable for public or private systems because of public health, safety and welfare considerations;*

(c) *A parks and open space plan describing, designating and scheduling the existing and proposed parks and recreation open spaces within the jurisdiction.*

**Subd. 4. [IMPLEMENTATION PROGRAM.]** *An implementation program shall describe the types of public programs and other actions to be undertaken in stated sequence to implement the comprehensive plan. 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, Sections 472A.01 to 472A.13 and any other statute authorizing the creation of districts in which the use of tax increment bonding is authorized. The program shall contain a general description of and schedule for the preparation, adoption, and administration of official controls including controls regarding zoning and subdivision ordinances, private sewer systems, and a capital improvements program for transportation, sewers, parks and open space facilities.*

**Sec. 8. [473.912] [COUNTIES.]** *Subdivision 1. Comprehensive plans of counties shall contain at least the following:*

(a) *Except for the counties of Hennepin and Ramsey, a land use plan as specified in section 7, subdivision 2, for all unincorporated territory within the county;*

(b) *A public facilities plan which shall include all appropriate matters specified in section 7, subdivision 3, including at least a transportation plan, and a description of existing and projected solid waste disposal sites and facilities;*

(c) *An implementation program, as specified in section 7, subdivision 4.*

**Subd. 2.** *Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for any town within the county which fails by December 31, 1976, to take action by resolution indicating its intention to prepare the comprehensive plan.*

**Subd. 3.** *Each county other than Hennepin and Ramsey shall prepare, with the participation and assistance of the town, the comprehensive plan for each town within the county not authorized to plan under Minnesota Statutes, Sections 462.351 through 462.364, or under special law.*

**Sec. 9.** *Minnesota Statutes, 1975 Supplement, Section 473.175, is amended to read:*

473.175 [COUNCIL REVIEW; COMPREHENSIVE PLANS.] Each city, town, and county all or part of which lies within the metropolitan area, shall submit to the metropolitan council for written comment and recommendation thereon its proposed long term comprehensive plans, including but not limited to plans for land use. The proposed plans shall be submitted to the council after their approval by the planning commission of the local government unit and before final approval by the governing body of the city, town or county. The council shall maintain such plans in its files available for inspection by members of the public.

*Subdivision 1. The council shall review the comprehensive plans of local governmental units and subsequent amendments thereto to determine their compatibility with each other and conformity with metropolitan system plans. The council may review and comment on the consistency of the comprehensive plans with other adopted chapters of the metropolitan development guide. The council may, by resolution, require the local governmental unit to modify any comprehensive plan or part thereof which may have a substantial impact on or contain a substantial departure from metropolitan system plans.*

*Subd. 2. Within 90 days following receipt of a comprehensive plan, or plan amendment prepared in accordance with sections 1 to 18, the council shall return a statement containing its comments and required modifications, if any, to the local governmental unit. No local government action shall be taken by any local government unit to place any such submitted comprehensive plan or plan amendment or part thereof into effect until 90 days have elapsed after its submission to the council has returned the comments and required modifications to the unit, until a final decision, order, or judgment has been made pursuant to this section or section 12, and until the unit has incorporated the modifications in the plan. 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. Promptly after submission, the council shall notify each city, town, county, or special district which may be affected by the plans submitted, of the general nature of the plan, the date of submission, and the identity of the submitting unit. Political subdivisions contiguous to or within the submitting unit shall be notified in all cases. Within 30 days after receipt of such notice any governmental unit so notified or the local governmental unit submitting the plan may request the council to conduct a hearing at which the submitting unit and any other governmental unit or subdivision may present its views. The council may shall attempt to mediate and resolve differences of opinion which exist among the participants in the hearing with respect to the plans submitted. If within 90 days the council fails to complete its written comments and recommendations the plans shall be deemed approved and may be placed into effect. Any major alteration amendment to a plan subsequent to the council's review shall be submitted to and acted upon by the council in the same manner as the original plan. The*

written comments and recommendations of the council shall be filed with the plan of the local government unit at all places where the plan is required by law to be kept on file.

*Subd. 3. If a local governmental unit fails to adopt or amend a comprehensive plan in accordance with sections 6 to 11, and 15, the council may commence proceedings to enforce the provisions of sections 1 to 18 by appropriate legal action in the district court where the local governmental unit is located.*

*Subd. 4. Local governmental units shall be required to consider in their initial comprehensive plans submitted to the council any amendments or modifications to metropolitan system plans which were made by the council and transmitted to the local governmental unit prior to January 1, 1978. Thereafter, within nine months after receiving an amendment to a metropolitan system plan, each affected local governmental unit shall review its comprehensive plan to determine if an amendment is necessary to ensure continued conformity with metropolitan system plans. If an amendment is necessary, the governmental unit shall prepare the amendment and submit it to the council for review pursuant to this section.*

**Sec. 10. [473.914] [PLANS AND PROGRAMS; ADOPTION; AMENDMENT.]** *Subdivision 1. Each local governmental unit shall adopt its comprehensive plan with required modifications within six months following receipt of the council's comments and required modifications under section 9 and following a final decision, order, or judgment pursuant to sections 9 or 12.*

*Subd. 2. Amendments to comprehensive plans of local governmental units shall be prepared and submitted in the same manner as the original plan.*

**Sec. 11. [473.917] [IMPLEMENTATION OF COMPREHENSIVE PLANS.]** *Subdivision 1. Each local governmental unit shall adopt official controls as described in its adopted comprehensive plan and shall file copies of the official controls with the council within 30 days following adoption thereof.*

*Subd. 2. A local governmental unit shall not adopt any official control in conflict with its comprehensive plan.*

*Subd. 3. If an official control conflicts with a comprehensive plan as the result of an amendment to the plan, the official control shall be amended by the unit within six months following the amendment to the plan so as to not conflict with the amended comprehensive plan.*

**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 com-*



mittee 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.

Sec. 13. [473.192] [PLANNING ASSISTANCE, LOANS, GRANTS.] Subdivision 1. On the request of a local governmental unit, the council may provide assistance to accomplish the requirements of sections 1 to 18. It shall assemble and provide advisory materials and prepare model plan provisions and official controls to assist in accomplishing the provisions of sections 1 to 18.

Subd. 2. The council shall establish a planning assistance fund as a separate bookkeeping account in its general fund for the purpose of making grants and loans to local governmental units under this section. The council shall adopt uniform procedures for the award, disbursement and repayment of grants and loans.

Subd. 3. Applications for grants and loans shall be submitted to the council describing the activities for which the grant or loan funds will be used; the persons which the grantee or borrower plans to use in performing the grant contract; services and activities which will be paid for by funds of the grantee or borrower; the grantee or borrower's need and ability to pay for the contract services; and other information as the council may reasonably request. Grants and loans shall be made subject to contracts between the council and the recipient specifying the use and disbursement of the funds and, for loans, the terms and conditions of repayment, and other appropriate matters.

Subd. 4. The total amount of money which may be awarded by any grant shall not exceed 75 percent of the total costs and expenses of the project, service or activity for which the grant is awarded.

Subd. 5. [LOAN TERMS.] Loans made by the council shall carry an interest rate not to exceed five percent per annum and shall be payable on terms and conditions as the council determines appropriate. No loan shall be for a term in excess of five years. Funds received in payment of loans shall be credited to the planning assistance fund and shall be used for additional loans or grants under this section.

Sec. 14. [473.919] [EXTENSION.] A local governmental unit may by resolution request that the council extend the time for fulfilling the requirements of sections 1 to 18. A request for extension shall be accompanied by a description of the activities previously undertaken by a local governmental unit in fulfillment of the requirements of this act, and an explanation of the reasons necessitating and justifying the request. Upon a finding of exceptional circumstances or undue hardship, the council may, in its discretion, grant by resolution a request for extension and may attach reasonable requirements or conditions to the extension.

Sec. 15. [EXEMPTION FROM LEVY LIMIT.] Subdivision 1. The increased costs to a municipality of implementing section 6, subdivisions 1 to 3, and sections 7 to 10 shall be deemed a "special levy" under Minnesota Statutes, Section 275.50, Subdivision 5.

Subd. 2. The proceeds of any tax levied under this section shall be deposited in the municipal treasury in a separate fund and expended only for the purposes authorized by this section.

Sec. 16. [473.923] [SCHOOL DISTRICTS; CAPITAL IMPROVEMENT PROGRAMS.] Subdivision 1. By January 1, 1978, each school district lying in whole or in part within the metropolitan area shall prepare and submit to the metropolitan council for review pursuant to this section a capital improvements program for proposed new school sites, buildings, and building additions with a cost of more than \$200,000, including a description of the projected population of the district, facility needs and the effect of the program on affected local governmental units.

Subd. 2. Each school district shall submit its program for review and comment to the local government units lying in whole or in part within the district at least nine months prior to the submission of the

program to the council. The local governmental units shall review the program and provide comments to the school districts, and the council within 90 days on the compatability of the program with the proposed comprehensive plan of the local governmental unit.

*Subd. 3. The council shall review the capital improvement programs of school districts and subsequent amendments thereto. The council may review and comment on the apparent consistency of the capital improvement programs with the metropolitan system plans. Failure of the council to comment on the school districts program within 90 days after its submission shall be deemed council comment on the program.*

Sec. 17. Minnesota Statutes 1974, Section 462.355, is amended by adding a subdivision to read:

*Subd. 4. [INTERIM ORDINANCE.] If a municipality is conducting or in good faith intends to conduct studies within a reasonable time or has held or has scheduled a hearing for the purpose of considering adoption or amendment of a comprehensive plan or official controls as defined in section 2, or if new territory for which no plan or controls have been adopted is annexed to a municipality, the governing body of the municipality may adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety and welfare of its citizens. The interim ordinance may regulate, restrict or prohibit any use or development within the jurisdiction for a period not to exceed one year from the date it is created, and may be renewed for one additional year.*

Sec. 18. [NEW MUNICIPAL SEWER SYSTEMS.] *Notwithstanding the provisions of sections 1 to 17, the council shall have no authority under Minnesota Statutes, Chapter 473 to require a local governmental unit to construct a new sewer system.*

Sec. 19. *This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington.*

Sec. 20. [EFFECTIVE DATE.] *This act is effective on the day following its final enactment."*

Further, strike the title and insert:

*"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 Minnesota Statutes, 1975 Supplement, Section 473.175."*

And when so amended, H. F. No. 1530 will be identical to S. F. No. 1653 and further recommends that H. F. No. 1530 be given its second reading and substituted for S. F. No. 1653 and that the Senate File be indefinitely postponed.

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

### **SECOND READING OF SENATE BILLS**

S. F. Nos. 674 and 1876 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H. F. Nos. 369 and 1530 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Mr. Hanson, R. moved that the name of Mr. Merriam be added as co-author to S. F. No. 2043. The motion prevailed.

Mr. McCutcheon moved that the name of Mr. Doty be added as co-author to S. F. No. 1825. The motion prevailed.

Mr. Perpich, A. J. moved that the name of Mr. Perpich, G. be added as co-author to S. F. No. 2082. The motion prevailed.

Mr. Hansen, Baldy moved that the report from the Committee on Labor and Commerce, reported February 12, 1976, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Hansen, Baldy moved that the foregoing report be now adopted. The motion prevailed.

### **CONFIRMATION**

Mr. Hansen, Baldy moved that in accordance with the report from the Committee on Labor and Commerce, reported February 12, 1976, the Senate, having advised with, do now consent to and confirm the appointment of:

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

James Pomush, 7 West Golden Lake Road, Circle Pines, Anoka County, appointed effective July 1, 1975, for a term expiring July 1, 1981.

The motion prevailed. So the appointment was confirmed.

### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Hansen, Baldy moved that the report from the Committee on Labor and Commerce, reported February 12, 1976, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Hansen, Baldy moved that the foregoing report be now adopted. The motion prevailed.

Mr. Keefe, J. requested that the appointment to the Public Service Commission be divided out. So the question was divided.

**CONFIRMATION**

Mr. Hansen, Baldy moved that in accordance with the report from the Committee on Labor and Commerce, reported February 12, 1976, the Senate, having advised with, do now consent to and confirm the appointments of:

**WORKMEN'S COMPENSATION COMMISSIONER**

Robert B. McCarthy, 2356 Swan Drive, St. Paul, Ramsey County, appointed effective July 9, 1975, for a term expiring September 1, 1977.

**CABLE COMMUNICATIONS BOARD**

Jane Belau, 433 - 9th Avenue S.W., Rochester, Olmsted County, appointed effective July 18, 1975, for a term expiring January 1, 1978.

Eugene Abbott, 940 Albert, Crookston, Polk County, appointed effective January 1, 1976, for a term expiring January 1, 1980.

Virginia Greenman, 148 Prospect Boulevard, St. Paul, Ramsey County, appointed effective January 1, 1976, for a term expiring January 1, 1980.

Carl Williams, 320 East 44th Street, Minneapolis, Hennepin County, appointed effective January 7, 1976, for a term expiring January 1, 1978.

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

John Larson, 2836 - 44th Avenue South, Minneapolis, Hennepin County, appointed effective June 2, 1975, for a term expiring January 1, 1979.

**OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD**

Kenneth Sovereign, 4415 Olson Lake Trail North, North St. Paul, Ramsey County, appointed effective August 29, 1975, for a term expiring August 29, 1981.

**COMMISSIONER OF THE DEPARTMENT OF  
ECONOMIC DEVELOPMENT**

Lee Vann, 3430 List Place, Minneapolis, Hennepin County, appointed effective December 1, 1975, for a term expiring January 1, 1979.

The motion prevailed. So the appointments were confirmed.

**CONFIRMATION**

Mr. Hansen, Baldy moved that in accordance with the report from the Committee on Labor and Commerce, reported February 12, 1976, the Senate, having advised with, do now consent to and confirm the appointment of:

**PUBLIC SERVICE COMMISSION**

Katherine Sasseville, 10619 James Road, Bloomington, Hennepin County, appointed effective December 31, 1975, for a term expiring December 31, 1980.

The motion prevailed. So the appointment was confirmed.

**MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Conzemius moved that the report from the Committee on Health, Welfare and Corrections, reported February 9, 1976, pertaining to appointments, be taken from the table. The motion prevailed.

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

**CONFIRMATION**

Mr. Conzemius moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported February 9, 1976, the Senate, having advised with, do now consent to and confirm the appointments of:

**STATE BOARD OF HEALTH**

Michael Keable, 909 North 6th Avenue, St. Cloud, Stearns County, appointed effective January 1, 1976, for a term expiring January 1, 1980.

Burton Magnuson, 4120 Dodge, Duluth, St. Louis County, has been appointed effective January 1, 1976, for a term expiring January 1, 1980.

The motion prevailed. So the appointments were confirmed.

**MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Conzemius moved that the report from the Committee on Health, Welfare and Corrections, reported February 9, 1976, pertaining to appointments, be taken from the table. The motion prevailed.

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

**CONFIRMATION**

Mr. Conzemius moved that in accordance with the report from the Committee on Health, Welfare and Corrections, reported February 9, 1976, the Senate, having advised with, do now consent to and confirm the appointment of:

**GILLETTE HOSPITAL AUTHORITY**

Herbert G. Lancaster, 5345 Hodgson Road, St. Paul, Ramsey

County, appointed effective January 1, 1976, for a term expiring December 31, 1978.

The motion prevailed. So the appointment was confirmed.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Hughes moved that the report from the Committee on Education, reported February 12, 1976, pertaining to appointments, be taken from the table. The motion prevailed.

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

#### **CONFIRMATION**

Mr. Hughes moved that in accordance with the report from the Committee on Education, reported February 12, 1976, the Senate, having advised with, do now consent to and confirm the appointment of:

#### **STATE BOARD OF EDUCATION**

Erling O. Johnson, 832 Eastwood Lane, Anoka, Anoka County, appointed effective July 1, 1975, for a term expiring July 1, 1981.

The motion prevailed. So the appointment was confirmed.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Hughes moved that the report from the Committee on Education, reported February 12, 1976, pertaining to appointments, be taken from the table. The motion prevailed.

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

#### **CONFIRMATION**

Mr. Hughes moved that in accordance with the report from the Committee on Education, reported February 12, 1976, the Senate, having advised with, do now consent to and confirm the appointments of:

#### **STATE BOARD OF EDUCATION**

Ruth Myers, 635 Everett Street, Duluth, St. Louis County, appointed effective July 1, 1975, for a term expiring July 1, 1981.

Henry Bromelkamp, 2304 Lenwood Drive S. W., Rochester, Olmsted County, appointed effective July 1, 1975, for a term expiring July 1, 1981.

The motion prevailed. So the appointments were confirmed.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Hughes moved that the report from the Committee on

Education, reported February 12, 1976, pertaining to appointments, be taken from the table. The motion prevailed.

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

#### **CONFIRMATION**

Mr. Hughes moved that in accordance with the report from the Committee on Education, reported February 12, 1976, the Senate, having advised with, do now consent to and confirm the appointment of:

#### **STATE BOARD FOR COMMUNITY COLLEGES**

Dr. Joseph Norquist, 2087 Greenbriar Avenue, St. Paul, Ramsey County, appointed effective July 28, 1975, for a term expiring July 1, 1982.

The motion prevailed. So the appointment was confirmed.

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Coleman moved to take up the General Orders Calendar and begin with Number 13. The motion prevailed.

#### **GENERAL ORDERS**

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

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

S. F. Nos. 1848, 1865 and 830 which the committee recommends to pass.

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

#### **MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Stassen moved that the name of Mr. Conzemius be added as second author to S. F. No. 2062. The motion prevailed.

Mr. Stassen moved that the name of Mr. Conzemius be added as second author to S. F. No. 2061. The motion prevailed.

Mr. Schmitz moved that the names of Messrs. Renneke and Stokowski be added as co-authors to S. F. No. 692. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 11:45 o'clock a.m., Monday, February 16, 1976. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate