

## NINETY-SIXTH DAY

St. Paul, Minnesota, Tuesday, March 23, 1976

The Senate met at 9:00 o'clock a.m. and was called to order by the President.

## CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate for the balance of today's proceedings. The following Senators answered to their names:

Anderson	Davies	Humphrey	Olhoft	Sillers
Arnold	Doty	Josefson	Olson, A. G.	Solon
Ashbach	Dunn	Keefe, S.	Olson, J. L.	Spear
Bang	Fitzsimons	Kleinbaum	O'Neill	Stokowski
Berg	Frederick	Larson	Patton	Stumpf
Bernhagen	Gearty	Laufenburger	Perpich, A. J.	Tennessen
Borden	Hansen, Baldy	Lewis	Pillsbury	Ueland
Brataas	Hansen, Mel	Merriam	Schaaf	Willet
Chmielewski	Hanson, R.	Milton	Schmitz	
Coleman	Hughes	North	Schrom	

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

Prayer was offered by the Chaplain, Rev. Mervin Dick.

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

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

The President declared a quorum present.

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

**MEMBERS EXCUSED**

Messrs. Nelson and Perpich, G. were excused from the Session of today. Mr. Lewis was excused from the Session of today from 2:30 o'clock p.m. until 7:30 o'clock p.m.

Pursuant to Rule 21, Mr. Kirchner moved that the following members be excused for a Conference Committee on S. F. No. 1383:

Messrs. Chenoweth, Kirchner and North. The motion prevailed.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

March 22, 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
	59	47	March 19	March 19
	1904	48	March 19	March 19
	1999	49	March 19	March 19
	2011	50	March 19	March 19
	2105	51	March 19	March 19
53		52	March 19	March 19
995		53	March 19	March 19
1252		54	March 19	March 19
1493		55	March 19	March 19
1590		56	March 19	March 19
1794		57	March 19	March 19
1852		58	March 19	March 19
1901		59	March 19	March 19
1924		60	March 19	March 19
1975		61	March 19	March 19
2070		62	March 19	March 19
2076		63	March 19	March 19
2168		64	March 19	March 19
2237		65	March 19	March 19
1135		66	March 19	March 19

Sincerely,

Joan Anderson Growe, Secretary of State

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

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

S. F. No. 2585: A bill for an act relating to taxation; providing standards and procedures for tax increment financing; authorizing tax increment financing for the payment of principal and interest on such bonds; providing limitation on extent of districts to which tax increment financing applies; amending Minnesota Statutes 1974, Chapter 273, by adding sections; and Section 462.585, Subdivision 1; repealing Minnesota Statutes 1974, Sections 458.192, Subdivision 11; 462.545, Subdivision 5; 462.585, Subdivisions 2 and 3; 472A.07; 472A.08; and 474.10, Subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 1792, 1874, 1920, 1973 and 2318.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1976

Mr. President:

I have the honor to announce that the House wishes to recall for the purpose of further consideration House File No. 1057:

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1976

Mr. Anderson moved that H. F. No. 1057 be taken from the table. The motion prevailed.

Mr. Anderson moved that the Senate accede to the request of the House for the recall of H. F. No. 1057 for the purpose of further consideration. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee,

consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 840: A bill for an act relating to the department of human rights; creating a private right of action to enforce the provisions of the human rights act in certain cases; amending Minnesota Statutes 1974, Section 363.06, Subdivision 1; and Chapter 363, by adding a section.

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

Cassery, McCarron and Stanton.

Senate File No. 840 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 22, 1976

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2677:

H. F. No. 2677: A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings; appropriating money.

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

Norton, Smith, Haugerud, Samuelson and Searle have been appointed as such committee on the part of the House.

House File No. 2677 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 22, 1976

Mr. Arnold moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2677, and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2678:

H. F. No. 2678: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1974, Sections 16.16, Subdivision 2;

16A.28; 137.02, Subdivision 3; repealing Laws 1973, Chapter 778, Section 20.

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

Norton, Smith, Haugerud, Samuelson and Searle have been appointed as such committee on the part of the House.

House File No. 2678 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 22, 1976

Mr. Arnold moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2678, and that a Conference Committee of 5 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2159:

H. F. No. 2159: A bill for an act relating to the city of Minneapolis; municipal employees survivor benefits; amending Minnesota Statutes 1974, Section 422A.23, Subdivisions 2 and 3; repealing Minnesota Statutes 1974, Section 422A.23, Subdivision 4.

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

Knoll, Skoglund and Dean have been appointed as such committee on the part of the House.

House File No. 2159 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 22, 1976

Mr. Stokowski moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2159, and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S. F. No. 1976:** A bill for an act relating to workmen's compensation; providing for third party liability; amending Minnesota Statutes 1974, Section 176.061, Subdivision 3; repealing Minnesota Statutes 1974, Section 176.061, Subdivision 10.

Senate File No. 1976 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 22, 1976

Mr. Davies moved that S. F. No. 1976 be laid on the table. The motion prevailed.

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

Senate File No. 1296 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 22, 1976

#### CONCURRENCE AND REPASSAGE

Mr. Hansen, Baldy moved that the Senate concur in the amendments by the House to S. F. No. 1296 and that the bill be placed on its repassage as amended. The motion prevailed.

**S. F. No. 1296:** A bill for an act relating to insurance; making more certain which group insurance policies and subscriber contracts are required to provide insurance coverage to employees after termination of employment; extending the period for certain notices to terminated employees; requiring certain group insurance policies to provide for optional conversion to an individual policy after group coverage terminates; amending Minnesota Statutes 1974, Sections 62A.16; and 62A.17, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Section 62A.17, Subdivision 5.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce 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. 1740: A bill for an act relating to counties; authorizing county boards to establish personnel departments; providing for county personnel administration on an integrated, merit basis.

Senate File No. 1740 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 22, 1976

Mr. Olhoff moved that S. F. No. 1740 be laid on the table. The motion prevailed.

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. 454: A bill for an act relating to intoxicating liquor; licensing of bottle clubs; amending Minnesota Statutes 1974, Section 340.119, Subdivision 3.

Senate File No. 454 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 22, 1976

#### CONCURRENCE AND REPASSAGE

Mr. Keefe, J. moved that the Senate concur in the amendments by the House to S. F. No. 454 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 454 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

#### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce 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. 1039: A bill for an act relating to plats and surveys in Olmsted county; providing for approval by the county surveyor and providing for a fee.

Senate File No. 1039 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1976

#### CONCURRENCE AND REPASSAGE

Mrs. Brataas moved that the Senate concur in the amendments by the House to S. F. No. 1039 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1039: A bill for an act relating to certain counties; providing for the approval of plats and surveys by the county surveyor; providing for a fee; amending Minnesota Statutes 1974, Chapter 389, by adding a section.

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 59 and nays 0, as follows:



Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce 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. 2033: A bill for an act relating to municipalities; temporary investment of surplus funds; amending Minnesota Statutes, 1975 Supplement, Section 471.561.

Senate File No. 2033 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1976

Mr. Keefe, S. moved that S. F. No. 2033 be laid on the table. The motion prevailed.

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. 1051: A bill for an act relating to attorneys; providing for investigation of accusations against attorneys; amending Minnesota Statutes 1974, Section 481.15, by adding a subdivision.

Senate File No. 1051 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 22, 1976

Mr. Coleman moved that the Senate do not concur in the amendments by the House to S. F. No. 1051 and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1876, 1901, 2215, 1985, 2169, 2218, 1984 and 2414.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted March 22, 1976

Mr. President:

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

S. F. No. 1957: A bill for an act relating to medical assistance for the needy; prohibiting false claims for reimbursement; making certain vendors ineligible for reimbursement; providing access to certain medical records for verification of claims; providing for a penalty; amending Minnesota Statutes 1974, Sections 256B.064; 256B.27; Chapters 256B and 609, by adding sections; Minnesota Statutes, 1975 Supplement, Sections 256B.12 and 609.52, Subdivision 2.

Senate File No. 1957 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned March 22, 1976

### CONCURRENCE AND REPASSAGE

Mr. Tennesen moved that the Senate concur in the amendments by the House to S. F. No. 1957 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1957 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**FIRST READING OF HOUSE BILLS**

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

**H. F. No. 1876:** A bill for an act relating to transportation; providing for rail transportation improvements throughout the state; creating the Minnesota rail line improvement account; authorizing the development of a state plan for rail transportation and a feasibility study of rail line acquisition by the state or by a political subdivision of the state; appropriating money.

Referred to the Committee on Rules and Administration.

**H. F. No. 1901:** A bill for an act relating to education; authorizing the establishment of a pilot higher education extension center to serve downtown St. Paul and its surrounding area; appropriating money.

Referred to the Committee on Finance.

**H. F. No. 2215:** A bill for an act relating to aeronautics; appropriating and transferring money for construction of hangers.

Referred to the Committee on Rules and Administration.

**H. F. No. 1985:** A bill for an act relating to appropriations; appropriating funds for seminars for local governmental officials.

Referred to the Committee on Finance.

**H. F. No. 2169:** A bill for an act relating to torts; defining the state's liability for torts; appropriating money.

Referred to the Committee on Judiciary.

**H. F. No. 2218:** A bill for an act relating to the department of public welfare; providing for funding for detoxification programs; amending Minnesota Statutes 1974, Section 254A.08, Subdivision 3.

Referred to the Committee on Rules and Administration.

**H. F. No. 2414:** A bill for an act relating to motor vehicles; motor vehicle excise tax on vehicles purchased for resale; use of motor vehicles bearing motor vehicle dealer plates; amending Minnesota Statutes 1974, Sections 168.27, Subdivision 5; 297B.01, Subdivision 6; and Chapter 297B, by adding a section.

Referred to the Committee on Rules and Administration.

**H. F. No. 1984:** A bill for an act relating to agriculture; establishing a family farm security program to encourage loans for farm real estate; appropriating money; amending Minnesota Statutes 1974, Sections 48.24, Subdivision 5; and 290.08, by adding a subdivision; Minnesota Statutes, 1975 Supplement, Section 290.01, Subdivision 20; and 290.09, Subdivision 4.

Referred to the Committee on Rules and Administration.

**REPORTS OF COMMITTEES**

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 2154 for comparison to companion Senate Files, reports the following House File was found not identical with its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CALENDAR OF ORDINARY MATTERS</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2154	2099				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 2154 be amended as follows:

Page 1, delete lines 22 and 23

Page 2, delete lines 1 and 2

Renumber the remaining section

And when so amended, H. F. No. 2154 will be identical to S. F. No. 2099 and further recommends that H. F. No. 2154 be given its second reading and substituted for S. F. No. 2099 and that the Senate File be indefinitely postponed.

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

Mr. Coleman from the Committee on Rules and Administration, to which were referred H. F. Nos. 2201 and 2203 for comparison to companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

<b>GENERAL ORDERS</b>		<b>CALENDAR OF ORDINARY MATTERS</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2201	2117				
2203	2225				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 2201 be amended as follows:

Page 4, delete lines 6 to 9

Page 4, line 12, delete "*which shall be*" and insert a period

Page 4, delete line 13

Further, amend the title as follows:

Page 1, delete lines 2 to 7 and insert "relating to elections; establishing procedures for changing precinct boundaries; requiring filing of precinct maps with the state demographer; im-

posing certain duties on the state demographer regarding coordination of census data with changes in precinct boundaries;"

Page 1, line 8, delete "returns;"

And when so amended, H. F. No. 2201 will be identical to S. F. No. 2117 and further recommends that H. F. No. 2201 be given its second reading and substituted for S. F. No. 2117 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 2203 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [256B.41] [POLICY; INTENT.] Subdivision 1. The state agency shall by rule establish a formula for the reimbursement of nursing homes which qualify as vendors of medical assistance.

Subd. 2. It is the intent of the legislature to establish certain limitations on the state agency in setting standards for the reimbursement of nursing homes for the care of recipients of medical assistance pursuant to Minnesota Statutes, Chapter 256B. It is not the intent of the legislature to repeal or change any existing or future rule promulgated by the state agency relating to the reimbursement of nursing homes unless the rule is clearly in conflict with sections 1 to 6 of this act. If any provision of sections 1 to 6 of this act is determined by the United States government to be in conflict with existing or future requirements of the United States government with respect to medical assistance, the federal requirements shall prevail.

Sec. 2. [256B.42] [INTEREST EXPENSE.] Subdivision 1. Except as provided in subdivision 2, the state agency shall not reimburse any nursing home, other than a nursing home owned by a federal, state or local unit of government, for any interest expense. The state agency may by rule provide for the reimbursement of governmentally owned nursing homes for the costs of interest on capital indebtedness.

Subd. 2. A nursing home which pays interest on capital indebtedness at a rate in excess of nine percent may be reimbursed for one half of its interest expenses in excess of the nine percent if (1) the proceeds of the indebtedness are used for the purchase or operation of the nursing home and (2) the loan was obtained in an arms length transaction. The annual interest paid pursuant to this subdivision shall not exceed 1.5 percent of the indebtedness.

Sec. 3. [256B.43] [DEPRECIATION.] Subdivision 1. The state agency shall by rule establish a depreciation allowance for nursing homes purchased on or after January 1, 1977. The depreciation allowance shall be based on the lesser of the purchase price or the appraised value of the facility at the time of the purchase. After the purchase of a nursing home, the purchaser of the nursing home or the state agency may request an appraisal

of the facility pursuant to the provisions of subdivision 3. The value of the facility determined pursuant to this subdivision shall be the original value and shall be the basis for depreciation.

Subd. 2. If any nursing home expands its facility or makes any other capital expenditures subsequent to January 1, 1977, the cost of the expansion or capital expenditure shall be added to the original value, and the total shall become the new original value and basis for depreciation. If the state agency disputes the cost attributed to the expansion or capital expenditure, it may request an appraisal pursuant to subdivision 3.

Subd. 3. The state agency shall obtain a list of not more than 25 appraisers who have experience in appraising nursing homes. In the event that an appraisal is requested pursuant to this section, or section 4, subdivision 2, the state agency and the owner of the nursing home shall select an appraiser from the list in accordance with procedures established by the state agency by rule. The appraisal shall be based on the replacement cost of the facility. The cost of the appraisal shall be paid by the party requesting it. The cost of an appraisal requested by a nursing home shall not be reimbursed by the state agency.

Subd. 4. For the purposes of sections 3 and 4, "facility" means the building in which a nursing home is located and all permanent fixtures attached to it. "Facility" does not include the land or any supplies and equipment which are not fixtures. "Original value" means the value of the facility established pursuant to subdivision 1.

Sec. 4. [256B.44] [INVESTMENT ALLOWANCE.] Subdivision 1. The state agency shall by rule establish an investment allowance for all nursing homes other than governmentally owned homes. The allowances for proprietary homes shall be eight percent of the original value of the facility for depreciation purposes established pursuant to section 3. The allowance for nonproprietary homes shall be eight percent of the value of the facility. The percentages established by this subdivision shall apply from July 1, 1977, through June 30, 1978. The state agency shall, no later than May 1 of each year, conduct a public hearing pursuant to the rule making provisions of chapter 15 to determine the percentages to be used in the following calendar year.

Subd. 2. The owner of a nursing home or the state agency may request a new appraisal of the facility not more often than every seven years. If a new appraisal is made, the new appraised value less depreciation, accumulated on the basis of the original value and on any value established pursuant to this subdivision, shall become the new basis for that nursing home's investment allowance. The appraiser shall be selected and the appraisal undertaken in accordance with the provisions of section 3, subdivision 3. The basis for reimbursement for depreciation shall continue to be the original value of the facility established pursuant to section 3.

Subd. 3. The seven year period used for the purposes of subdivision 2 shall commence with the date of purchase. The state

agency or the owner of any nursing home purchased before January 1, 1977, may request an appraisal on July 1, 1977 or seven years after the date of purchase, whichever occurs last in time.

Subd. 4. If a non-governmentally owned nursing home is operated on a lease basis, the state agency shall not reimburse the operator for any rental fee in excess of the total amount it would pay to the owner of the facility as an investment allowance and depreciation allowance pursuant to sections 3 and 4. If a governmentally owned nursing home is operated on a lease basis, the state agency shall not reimburse the operator for any rental fee in excess of the total amount it would pay as interest expense pursuant to section 2.

Sec. 5. [256B.45] [RATE LIMITS.] Subdivision 1. The state agency shall by rule establish separate limitations on the costs for items which directly relate to the provision of patient care to residents of nursing homes and those which do not directly relate to the provision of care. The limits on patient care related items shall be hourly limits based on the needs of the residents of the nursing home up to maximum limits established by the state agency.

Subd. 2. No reimbursement shall be allowed for (1) political contributions, (2) salaries or expenses of a lobbyist, as defined in section 10A.01, subdivision 11, for lobbying activities, (3) advertising designed to encourage potential residents to select a particular nursing home, (4) assessments levied by the health department for uncorrected violations, (5) legal fees for unsuccessful challenges to decisions by state agencies, and (6) that part of the dues paid to a nursing home or hospital association which is used for any of the purposes listed in items (1) through (5). The state agency shall by rule exclude the costs of any other items which it determines are not directly related to the provision of patient care.

Sec. 6. [256B.46] [CONDITIONS FOR PARTICIPATION.] Subdivision 1. No nursing home shall be eligible to receive medical assistance payments unless it agrees in writing that it will refrain from:

(a) Charging nonmedical assistance residents rates for similar services which exceed by more than ten percent those rates which are approved by the state agency for medical assistance recipients; effective July 1, 1978, no nursing home shall be eligible for medical assistance if it charges nonmedical assistance recipients rates for similar services which exceed those which are approved by the state agency for medical assistance recipients; provided, however, that the nursing home may (1) charge nonmedical assistance residents a higher rate for a private room and (2) may charge for special services which are not included in the daily rate if medical assistance patients are charged separately for the same services in addition to the daily rate paid by the state agency;

(b) Requiring an applicant for admission to the home, or the guardian or conservator of the applicant, as a condition of admission, to pay an admission fee in excess of \$100, loan any money to

the nursing home, or promise to leave all or part of the applicant's estate to the home; and

(c) Requiring any resident of the nursing home to utilize a vendor of health care services who is a licensed physician or pharmacist chosen by the nursing home.

The prohibitions set forth in clause (b) shall not apply to a nonproprietary retirement home which contains an identifiable unit of fewer than 20 percent of the total number of facility beds to provide nursing care to the residents of the home.

Subd. 2. No nursing home shall be eligible to receive medical assistance payments unless it agrees in writing to:

(a) Provide the state agency with its most recent (1) balance sheet and statement of revenues and expenses as audited by the state auditor's office, a certified public accountant licensed by this state or by a public accountant as defined in section 412.222, and (2) statement of ownership for the nursing home, together with a separate balance sheet, statement of revenues and expenses, and ownership for each nursing home if more than one nursing home or other business operation is owned by the same owner;

(b) Provide the state agency with copies of leases, purchase agreements and other related documents related to the lease or purchase of the nursing home; and

(c) Provide to the state agency upon request copies of leases, purchase agreements, or similar documents for the purchase or acquisition of equipment, goods and services for which reimbursement is requested from the state agency.

Subd. 3. The state agency may reject any annual cost report filed by a nursing home pursuant to Minnesota Statutes, Chapter 256B, if it determines that the report or the information required in subdivision 2, clause (a) has been filed in a form that is incomplete or inaccurate. In the event that a report is rejected pursuant to this subdivision, the state agency may reimburse a nursing home at the rate determined for its prior fiscal year, or at an interim rate established by the state agency, until a complete and accurate report is filed.

Sec. 7. [EFFECTIVE DATE.] Except for section 6, the provisions of this act shall be effective for all cost reports for fiscal years beginning after July 1, 1977. The provisions of section 6 shall be effective January 1, 1977."

And when so amended, H. F. No. 2203 will be identical to S. F. No. 2225 and further recommends that H. F. No. 2203 be given its second reading and substituted for S. F. No. 2225 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 HOUSE BILLS

H. F. Nos. 2154, 2201 and 2203 were read the second time.



**MOTIONS AND RESOLUTIONS**

Mr. Davies moved that S. F. No. 1976 be taken from the table. The motion prevailed.

**CONCURRENCE AND REPASSAGE**

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 1976 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1976: A bill for an act relating to workmen's compensation; providing for determination of liability and the amount of employer reimbursement in cases of third party liability; amending Minnesota Statutes 1974, Section 176.061, Subdivisions 3 and 6; repealing Minnesota Statutes 1974, Section 176.061, Subdivision 10.

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 53 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

**MOTIONS AND RESOLUTIONS—CONTINUED**

Mr. Keefe, S. moved that S. F. No. 2033 be taken from the table. The motion prevailed.

**CONCURRENCE AND REPASSAGE**

Mr. Keefe, S. moved that the Senate concur in the amendments by the House to S. F. No. 2033 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2033: A bill for an act relating to municipalities; clarifying the application of certain laws to certain municipalities; authorizing certain investments; bidding for certain government insurance contracts; amending Minnesota Statutes 1974, Section 471.616, Subdivision 1 and Minnesota Statutes, 1975 Supplement, Section 471.561.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Conzemius	Jensen	Olhoft	Sillers
Ashbach	Davies	Keefe, J.	Olson, A. G.	Solon
Bang	Doty	Keefe, S.	Olson, H. D.	Spear
Berg	Dunn	Kleinbaum	Olson, J. L.	Stassen
Bernhagen	Frederick	Knutson	O'Neill	Stokowski
Blatz	Gearly	Laufenburger	Patton	Stumpf
Borden	Hansen, Baldy	Lewis	Perpich, A. J.	Tennessen
Brataas	Hansen, Mel	McCutcheon	Pillsbury	Ueland
Brown	Hanson, R.	Merriam	Renneke	Wegener
Chmielewski	Hughes	Milton	Schmitz	Willet
Coleman	Humphrey	Ogdahl	Schrom	

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

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Arnold, Chairman of the Committee on Finance, designated S. F. No. 2364, No. 112 on the General Orders Calendar, a Special Order to be heard immediately.

S. F. No. 2364: A bill for an act relating to the administration of criminal justice; transferring primary investigatory jurisdiction in correctional institutions to the bureau of criminal apprehension; providing that the attorney general shall prosecute certain criminal offenses arising on the premises of adult correctional institutions; amending Minnesota Statutes 1974, Sections 8.01; 299C.03; 387.03; and 388.05.

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

The question being taken on the passage of the bill,

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

Those who voted in the affirmative were:

Arnold	Conzemius	Josefson	Olhoft	Sillers
Ashbach	Davies	Keefe, J.	Olson, A. G.	Spear
Bang	Doty	Keefe, S.	Olson, J. L.	Stassen
Berg	Frederick	Knutson	O'Neill	Stokowski
Bernhagen	Gearly	Laufenburger	Patton	Stumpf
Blatz	Hansen, Baldy	Lewis	Perpich, A. J.	Ueland
Borden	Hansen, Mel	McCutcheon	Pillsbury	Wegener
Brataas	Hanson, R.	Merriam	Purfeerst	Willet
Brown	Hughes	Milton	Renneke	
Chmielewski	Humphrey	Moe	Schmitz	
Coleman	Jensen	Ogdahl	Schrom	

So the bill passed and its title was agreed to.

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Arnold, Chairman of the Committee on Finance, designated S. F. No. 788, No. 121 on the General Orders Calendar, a Special Order to be heard immediately.

S. F. No. 788: A bill for an act relating to public welfare; appropriating money; amending Minnesota Statutes 1974, Section 256D.37, Subdivision 2.

Mr. Milton moved to amend S. F. No. 788 as follows:

Page 2, line 1, after "section" insert "for the blind"

Page 2, strike line 16 and insert "purpose of making cost of living adjustments in supplemental aid benefits."

Further, amend the title as follows:

Page 1, line 2, after the first semicolon insert "changing eligibility requirements for supplemental aid; providing for cost of living adjustments in supplemental aid benefits;"

The motion prevailed. So the amendment was adopted.

S. F. No. 788: A bill for an act relating to public welfare; changing eligibility requirements for supplemental aid; providing for cost of living adjustments in supplemental aid benefits; appropriating money; amending Minnesota Statutes 1974, Section 256D.37, Subdivision 2.

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

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

And the roll being called, there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

Arnold	Davies	Jensen	Milton	Schmitz
Ashbach	Doty	Josefson	Moe	Sillers
Bang	Dunn	Keefe, J.	Ogdahl	Solon
Berg	Fitzsimons	Keefe, S.	Olhoft	Spear
Bernhagen	Frederick	Kleinbaum	Olson, A. G.	Stassen
Borden	Gearty	Knutson	Olson, H. D.	Stokowski
Brataas	Hansen, Baldy	Kowalczyk	Olson, J. L.	Tennessen
Brown	Hansen, Mel	Larson	Patton	Ueland
Chmielewski	Hanson, R.	Laufenburger	Perpich, A. J.	Wegener
Coleman	Hughes	McCutcheon	Pillsbury	Willet
Conzemius	Humphrey	Merriam	Renneke	

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

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Arnold, Chairman of the Committee on Finance, designated S. F. No. 2375, No. 123 on the General Orders Calendar, a Special Order to be heard immediately.

S. F. No. 2375: A bill for an act relating to education; right to read program; appropriating money.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 51 and nays 2, as follows:

Those who voted in the affirmative were:

Arnold	Dunn	Kleinbaum	Olson, J. L.	Spear
Bang	Frederick	Knutson	O'Neill	Stassen
Berg	Gearty	Larson	Patton	Stumpf
Bernhagen	Hansen, Baldy	Laufenburger	Perpich, A. J.	Tennessen
Blatz	Hansen, Mel	Lewis	Pillsbury	Ueland
Borden	Hanson, R.	Merriam	Purfeerst	Wegener
Chmielewski	Hughes	Milton	Renneke	Willet
Coleman	Jensen	Moe	Schaaf	
Conzemius	Josefson	Olhoft	Schmitz	
Davies	Keefe, J.	Olson, A. G.	Sillers	
Doty	Keefe, S.	Olson, H. D.	Solon	

Messrs. Ashbach and Brown voted in the negative.

So the bill passed and its title was agreed to.

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Arnold, Chairman of the Committee on Finance, designated S. F. No. 1959, No. 128 on the General Orders Calendar, a Special Order to be heard immediately.

S. F. No. 1959: A bill for an act relating to health facilities; establishing an office of health facility ombudsman; appropriating money.

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

The question being taken on the passage of the bill,

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Arnold, Chairman of the Committee on Finance, designated H. F. No. 290, No. 38 on the General Orders Calendar, a Special Order to be heard immediately.

H. F. No. 290: A bill for an act relating to sex discrimination; abolishing discrimination on the basis of sex in certain insurance laws; amending Minnesota Statutes 1974, Sections 61A.12, Subdivisions 2 and 4; 62A.041; 62C.14, Subdivision 5a; 69.40; 69.41; and 69.48.

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

The question being taken on the passage of the bill,

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

Those who voted in the affirmative were:

Arnold	Doty	Keefe, J.	Olhoft	Solon
Ashbach	Dunn	Kleinbaum	Olson, A. G.	Spear
Bang	Fitzsimons	Knutson	Olson, H. D.	Stassen
Berg	Frederick	Kowalczyk	Olson, J. L.	Stokowski
Bernhagen	Gearty	Larson	Patton	Stumpf
Blatz	Hansen, Baldy	Lewis	Perpich, A. J.	Ueland
Borden	Hansen, Mel	McCutcheon	Pillsbury	Wegener
Brown	Hanson, R.	Merriam	Renneke	Willet
Coleman	Hughes	Milton	Schaaf	
Conzemius	Jensen	Moe	Schmitz	
Davies	Josefson	Ogdahl	Sillers	

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Olhoft moved that S. F. No. 1740 be taken from the table. The motion prevailed.

Mr. Olhoft moved that the Senate do not concur in the amendments by the House to S. F. No. 1740 and that a Conference Committee of 3 members be appointed by the Committee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

### SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved that the rules of the Senate be so far suspended as to make the following bills a Special Orders Calendar for immediate consideration: S. F. Nos. 2082, 855 and H. F. Nos. 746, 348 and 910.

### SPECIAL ORDER

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

Mr. Perpich, A. J. moved to amend S. F. No. 2082 as follows:

Page 2, strike lines 18 to 24

Further amend the title as follows:

Page 1, line 6, strike "subdivisions" and insert "a subdivision"

The motion prevailed. So the amendment was adopted.

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

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

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

And the roll being called, there were yeas 53 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Jensen voted in the negative.

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

### SPECIAL ORDER

H. F. No. 746: A bill for an act relating to commerce; requiring prices on certain retail food packages.

Mr. Laufenburger moved to amend H. F. No. 746 as follows:

Page 1, line 5, before "Every" insert "In any store using an electronic scanner to read the price of items presented for check-out,"

The motion prevailed. So the amendment was adopted.

Mr. Nelson moved to amend H. F. No. 746 as follows:

Page 1, line 9, after "check-out" insert "unless the price of the item is clearly marked with numerals of at least one inch in height on the shelf where the product is displayed"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 32 and nays 27, as follows:

Those who voted in the affirmative were:

Ashbach	Dunn	Kirchner	Patton	Tennessen
Bang	Fitzsimons	Knutson	Perpich, A. J.	Ueland
Berg	Frederick	Larson	Pillsbury	Wegener
Bernhagen	Hansen, Mel	Nelson	Renneke	Willet
Blatz	Hanson, R.	North	Schaaf	
Brataas	Jensen	Olson, J. L.	Schmitz	
Brown	Josefson	O'Neill	Sillers	

Those who voted in the negative were:

Arnold	Hansen, Baldy	Laufenburger	Ogdahl	Stassen
Chenoweth	Hughes	Lewis	Olhoft	Stokowski
Chmielewski	Humphrey	McCutcheon	Purfeerst	Stumpf
Coleman	Keefe, S.	Merriam	Schrom	
Davies	Kleinbaum	Milton	Solon	
Gearty	Kowalczyk	Moe	Spear	

The motion prevailed. So the amendment was adopted.

H. F. No. 746 was read the third time, as amended, and placed on its final passage.

The question being taken on the passage of the bill, as amended.

Mr. Solon moved that those not voting be excused from voting. The motion prevailed.

And the roll being called, there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Borden	Gearty	Laufenburger	Olson, A. G.	Stokowski
Brown	Hansen, Baldy	McCutcheon	Olson, H. D.	Stumpf
Chenoweth	Hughes	Merriam	O'Neill	Tennessen
Chmielewski	Humphrey	Milton	Schaaf	
Coleman	Keefe, S.	Moe	Schrom	
Davies	Kleinbaum	Ogdahl	Spear	
Doty	Kowalczyk	Olhoft	Stassen	

Those who voted in the negative were:

Anderson	Brataas	Jensen	North	Schmitz
Arnold	Conzemius	Josefson	Olson, J. L.	Sillers
Ashbach	Dunn	Kirchner	Patton	Solon
Bang	Fitzsimons	Knutson	Perpich, A. J.	Ueland
Berg	Frederick	Larson	Pillsbury	Wegener
Bernhagen	Hansen, Mel	Lewis	Purfeerst	Willet
Blatz	Hanson, R.	Nelson	Renneke	

So the bill failed to pass.

#### SPECIAL ORDER

H. F. No. 348: A bill for an act relating to insurance; clarifying the application of state law to certain insurance contracts; amending Minnesota Statutes 1974, Chapter 60A, by adding a section.

Mr. Kleinbaum moved to amend H. F. No. 348 as follows:

Pages 1 and 2, strike all of section 1 and insert:

"Section 1. Minnesota Statutes 1974, Section 62A.15, is amended by adding a subdivision to read:

*Subd. 3. No carrier referred to in subdivision 1 shall, in the payment of claims to employees in this state, deny benefits payable for services covered by the policy or contract if the services are lawfully performed by a duly licensed chiropractor."*

Amend the title as follows:

Line 2, after "insurance;" insert: "extending the required inclusion of chiropractic services under group accident and health policies and subscriber contracts;"

Lines 4 and 5, strike "Chapter 60A, by adding a section" and insert "Section 62A.15, by adding a subdivision"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 32 and nays 24, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Kleinbaum	Olson, J. L.	Stassen
Bang	Gearty	Knutson	Patton	Ueland
Berg	Hansen, Baldy	Kowalczyk	Pillsbury	Wegener
Bernhagen	Hansen, Mel	Larson	Renneke	Willet
Blatz	Hanson, R.	Laufenburger	Schmitz	
Brataas	Josefson	Milton	Schrom	
Brown	Kirchner	Ogdahl	Sillers	

Those who voted in the negative were:

Anderson	Conzemius	Keefe, S.	North	Spear
Arnold	Davies	Lewis	Olhoff	Stokowski
Borden	Doty	McCutcheon	Olson, H. D.	Stumpf
Chenoweth	Humphrey	Merriam	Purfeerst	Tennessen
Coleman	Keefe, J.	Moe	Schaaf	

The motion prevailed. So the amendment was adopted.

Mr. Milton moved to amend the amendment placed on H. F. No. 348 by the Committee on Labor and Commerce, adopted by the Senate February 19, 1976, as follows:

After section 1, insert:

*"Sec. 2. Sections 2 to 15 may be cited as the "Temporary Joint Underwriting Association Act."*

*Sec. 3. [JOINT UNDERWRITING ASSOCIATION.] Subdivision 1. [CREATION.] There is created a temporary joint underwriting association to provide medical malpractice insurance coverage to any licensed health care provider unable to obtain this insurance through ordinary methods. Every insurer authorized to write and writing personal injury liability insurance in this state shall be a member of the association as a condition to obtaining and retaining a license to write insurance in this state.*

*Subd. 2. [DIRECTORS.] The association shall have a board of directors composed of 11 persons chosen annually as follows: five persons elected by members of the association at a meeting called by the commissioners; three members who are health care providers appointed by the commissioner prior to the election by the association; and three public members, as defined in section 214.02, appointed by the governor prior to the election by the association.*

*Sec. 4. [DEFINITIONS.] Subdivision 1. As used in sections 2 to 15, the following words shall have the meanings given.*

*Subd. 2. "Association" means the temporary joint underwriting association.*

*Subd. 3. "Commissioner" means the commissioner of insurance.*

*Subd. 4. "Medical malpractice insurance" means insurance against loss, damage or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in rendering professional service by any licensed health care provider.*

*Subd. 5. "Member" means every insurer authorized to write and writing personal injury liability insurance in this state.*

*Subd. 6. "Net direct premiums" means gross direct premiums written on personal injury liability insurance, including the liability component of multiple peril package policies as computed by the commissioner, less return premiums for the unused or unabsorbed portions of premium deposits.*

*Subd. 7. "Personal injury liability insurance" means insurance described in section 60A.06, subdivision 1, clause (13).*



**Sec. 5. [AUTHORIZATION TO ISSUE INSURANCE.]** *Subdivision 1. If the commissioner determines after a hearing that medical malpractice insurance cannot be made available for either physicians, hospitals or other specific types of health care providers in the voluntary market, he shall authorize the association to issue medical malpractice insurance on a primary basis for physicians, hospitals or other health care provider. If the commissioner determines after a hearing that insurance issued by the association can be made available in the voluntary market, he shall revoke the association's authorization to issue that insurance which can be made available.*

*Subd. 2. If the association is authorized by the commissioner to issue insurance, it shall:*

*(a) Issue or cause to be issued insurance policies to applicants, including incidental coverages, subject to limits as specified in the plan of operation but not to exceed one million dollars for each claimant under one policy and three million dollars for all claimants under one policy in any one year;*

*(b) Underwrite the insurance and adjust and pay losses with respect thereto, or appoint service companies to perform those functions;*

*(c) Assume reinsurance from its members; and*

*(d) Cede reinsurance.*

**Sec. 6. [PLAN OF OPERATION.]** *Subdivision 1. Within 45 days following the effective date of this act, the directors of the association shall submit to the commissioner for his review, a proposed plan of operation, consistent with the provisions of sections 2 to 15.*

*The plan of operation shall provide for economic, fair and nondiscriminatory administration and for prompt and efficient providing of medical malpractice insurance. It may contain other provisions, including but not limited to preliminary assessment of all members for initial expenses necessary to commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers or other servicing arrangements and procedures for determining amounts of insurance to be provided by the association.*

*Subd. 2. The plan of operation shall be subject to approval by the commissioner after consultation with the members of the association, representatives of the public and other affected individuals and organizations. If the commissioner disapproves all or any part of the proposed plan of operation, the directors shall within 15 days submit for review an appropriate revised plan of operation or part thereof. If a revised plan is not submitted within 15 days, the commissioner shall promulgate a plan of operation or part thereof, as the case may be. The plan of operation approved or promulgated by the commissioner shall become effective and operational upon order of the commissioner.*

*Subd. 3. Amendments to the plan of operation may be made by the commissioner or by the directors of the association, subject to the approval of the commissioner.*

Sec. 7. [POLICY FORMS AND RATES.] Subdivision 1. A policy issued by the association shall provide for a continuous period of coverage beginning with its effective date and terminating automatically at 12:01 a.m. on September 1, 1978, or sooner as provided in sections 2 to 15. The policy shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by section 10. The policy may be written to apply only to injury (a) which results from acts or omissions during the policy period and (b) which is discovered and for which written claim is made against the insured during the policy period, but only if the policy contains a provision that upon termination the insured has the right, on payment of appropriate additional premiums, to extend or remove the discovery period limitation. No policy form shall be used by the association unless it has been filed with the commissioner, and the commissioner may disapprove the form within 30 days if he determines it is misleading or violates public policy.

Subd. 2. If an insured fails to pay a stabilization reserve fund charge the association may cancel a policy by mailing or delivering to the insured at the address shown on the policy at least ten days written notice stating the date the cancellation is effective.

Subd. 3. The rates, rating plans, rating rules, rating classifications and territories applicable to the insurance written by the association and statistics relating thereto shall be subject to chapter 70A. Rates shall be on an actuarially sound basis, giving consideration to the group retrospective rating plan and the stabilization reserve fund. The commissioner shall take all appropriate steps to make available to the association the loss and expense experience of insurers previously writing medical malpractice insurance in this state.

Subd. 4. All policies issued by the association are subject to a non-profit group retrospective rating plan approved by the commissioner under which the final premium for the insureds of the association, as a group, will be equal to the administrative expenses, loss and loss adjustment expenses and taxes, plus a reasonable allowance for contingencies and servicing. Policyholders shall be given full credit for all investment income, net of expenses and a reasonable management fee, on policyholder supplied funds. The standard premium, before retrospective adjustment, for each policy issued by the association shall be established for portions of the policy period coinciding with the association's fiscal year on the basis of the association's rates, rating plans, rating rules, rating classifications and territories then in effect. The maximum premium for all policyholders of the association, as a group, shall be limited as provided in sections 2 to 15. Rates filed and premiums charged for the business of the association are presumed reasonable and not excessive.

Subd. 5. The commissioner shall examine the business of the association as often as he deems appropriate to insure that the group retrospective rating plan is operating in a manner consistent with sections 2 to 15. If he finds that the operation is deficient or inconsistent with sections 2 to 15, he may order the association to take corrective action.

Subd. 6. The association shall certify to the commissioner the estimated amount of any deficit remaining after the stabilization reserve fund has been exhausted in payment of the maximum

*final premium for all policyholders of the association. Within 60 days after such certification, the commissioner shall authorize the association to recover the members' respective shares of the deficit by one of the following procedures:*

*(a) Applying a surcharge determined by the association at a rate not to exceed two percent of the annual premiums on future policies affording those kinds of insurance which form the basis for their participation in the association; or*

*(b) Deducting the members' share of the deficit from past or future premium taxes due the state. If the commissioner fails to authorize a procedure in 60 days, the association may recover its deficit pursuant to clause (b). The association shall submit an amended certification and shall adjust the recovery procedure as its incurred losses become finalized.*

*Subd. 7. If sufficient funds are not available for the sound financial operation of the association, pending recovery as provided in subdivision 6, all members shall, on a temporary basis contribute to the association in the manner provided in section 8. The contribution shall be reimbursed to the members by the recovery procedure authorized in subdivision 6.*

**Sec. 8. [PARTICIPATION.]** *A member of the association shall participate in its writings, expenses, servicing allowance, management fees and losses in the proportion that the net direct premiums of the member, excluding that portion of premiums attributable to the operation of the association, written during the preceding calendar year bears to the aggregate net direct premiums written in this state by all members. The member's participation in the association shall be determined annually on the basis of net direct premiums written during the preceding calendar year, as reported in the annual statements and other reports filed by the member with the commissioner.*

**Sec. 9. [PROCEDURES.]** *Subdivision 1. Beginning on the effective date of the plan of operation, a licensed health care provider may apply to the association for medical malpractice insurance. An application may be made by an authorized agent of the health care provider.*

*Subd. 2. If the association determines that the applicant meets the underwriting standards of the association as described in the plan of operation and there is no unpaid, uncontested premium due from the applicant for prior insurance, including failure to make written objection to premium charges within 30 days after billing, the association, upon receipt of the premium or portion thereof as is prescribed in the plan of operation, shall issue a policy of medical malpractice insurance.*

**Sec. 10. [STABILIZATION RESERVE FUND.]** *Subdivision 1. There is created a stabilization reserve fund administered by three directors, as follows: the commissioner; a representative of the association appointed by the commissioner; and a representative of the policyholders of the association, appointed by the commissioner.*

*Subd. 2. The directors shall act by majority vote with two directors constituting a quorum for the transaction of any business or the exercise of any power of the fund. The directors shall serve without salary, but shall be reimbursed for expenses in the manner provided for state employees. The directors shall not be subject to personal liability or accountability in the administration of the fund.*

*Subd. 3. Each policyholder shall pay to the association a stabilization reserve fund charge of 33 percent of each premium payment due for insurance through the association. This charge shall be separately stated in the policy. The association shall cancel the policy of any policyholder who fails to pay the stabilization reserve fund charge.*

*Subd. 4. The association shall promptly pay into the stabilization reserve fund charges which it collects from its policyholders and any retrospective premium refunds payable under the group retrospective rating plan.*

*Subd. 5. All moneys paid into the fund shall be held in trust by a corporate trustee selected by the directors. The corporate trustee may invest the moneys held in trust, subject to the approval of the directors. All investment income shall be credited to the fund. All expenses of administration of the fund shall be charged against the fund. The moneys held in trust shall be used solely for the purpose of discharging when due any retrospective premium charges payable by policyholders of the association under the group retrospective rating plan. Payment of retrospective premium charges shall be made by the directors upon certification to them by the association of the amount due. If all moneys accruing to the fund are exhausted in payment of retrospective premium charges, all liability and obligations of the association's policyholders with respect to the payment of retrospective premium charges shall terminate and shall be conclusively presumed to have been discharged. Any moneys remaining in the fund after all retrospective premium charges have been paid shall be returned to policyholders under procedures authorized by the directors.*

*Sec. 11. [INVESTIGATION.] The commissioner shall investigate the association at least annually. The investigation shall be conducted and a report filed in the manner prescribed in section 60A.031. The expenses of the examination shall be paid by the association in the manner prescribed by section 60A.03, subdivision 5.*

*Sec. 12. [PRIVILEGED COMMUNICATIONS.] No cause of action of any nature shall arise against the association, the commissioner or his authorized representatives or any other person or organization, for any statements made in good faith by them during any proceedings or concerning any matters within the scope of sections 2 to 15.*

*Sec. 13. [APPEALS AND JUDICIAL REVIEW.] Any applicant to the association, any person insured pursuant to sections 2 to 14, or their representatives, or any affected insurer, may appeal to the commissioner within 30 days after any ruling, action*

or decision by or on behalf of the association, with respect to those items the plan of operation defines as appealable matters.

Sec. 14. [PUBLIC OFFICERS OR EMPLOYEES.] No director of the stabilization reserve fund who is otherwise a public officer or employee shall forfeit his office or employment or lose the rights and privileges pertaining thereto, by reason of membership on the board of directors of the stabilization reserve fund.

Sec. 15. [ANNUAL STATEMENTS.] On March 1 of each year the association shall file with the commissioner, a report of its transactions, financial condition, and operations during the preceding year. The report shall be in a form approved by the commissioner. The commissioner may at any time require the association to furnish additional information to assist in evaluating the scope, operation and experience of the association.

Sec. 16. Sections 2 to 15 of this act shall expire two years after their effective date."

Before the title amendment, insert:

"Sec. 18. Sections 2 to 16 of this act shall be effective the day following their final enactment."

Amend the title amendment as follows:

Line 5, after "laws;" insert: "establishing a temporary joint underwriting association for medical malpractice insurance; requiring membership; setting standards; providing for appeals, recovery of contributions and reporting of financial conditions;"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 32 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Knutson	Ogdahl	Stassen
Arnold	Gearty	Larson	Olhoft	Stumpf
Bang	Hughes	Laufenburger	Perpich, A. J.	Wegener
Borden	Humphrey	Lewis	Schaaf	Willet
Chenoweth	Keefe, S.	Merriam	Schmitz	
Coleman	Kirchner	Milton	Solon	
Conzemius	Kleinbaum	Nelson	Spear	

Those who voted in the negative were:

Ashbach	Davies	Jensen	Olson, A. G.	Purfeerst
Berg	Frederick	Josefson	Olson, H. D.	Renneke
Bernhagen	Hansen, Baldy	Kowalczyk	Olson, J. L.	Sillers
Blatz	Hansen, Mel	McCutcheon	Patton	Stokowski
Brown	Hanson, R.	Moe	Pillsbury	Tennessen

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Keefe, S. moved to amend the Milton amendment to H. F. No. 348 as follows:

Page 6, strike lines 9 and 10

The motion prevailed. So the amendment to the amendment was adopted.

H. F. No. 348 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 44 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Kleinbaum	Nelson	Sillers
Arnold	Dunn	Knutson	Ogdahl	Solon
Ashbach	Frederick	Kowalczyk	Olhoft	Spear
Bang	Gearty	Larson	Olson, H. D.	Stassen
Bernhagen	Hanson, R.	Laufenburger	Patton	Stumpf
Blatz	Hughes	Lewis	Perpich, A. J.	Ueland
Borden	Humphrey	Merriam	Schaaf	Wegener
Coleman	Josefson	Milton	Schmitz	Willet
Conzemius	Keefe, S.	Moe	Schrom	

Those who voted in the negative were:

Berg	Hansen, Baldy	Olson, J. L.	Purfeerst	Stokowski
Brown	Jensen	Pillsbury	Renneke	Tennessee
Davies	Olson, A. G.			

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

### RECESS

Mr. Coleman moved that the Senate do now recess until 1:30 o'clock p.m. The motion prevailed.

The hour of 1:30 o'clock p.m. having arrived, the President called the Senate to order.

### MEMBERS EXCUSED

Messrs. Josefson and Sillers were excused from the Session of today at 6:15 o'clock p.m.

Pursuant to Rule 21, Mr. Laufenburger moved that the following members be excused for a Conference Committee on H. F. No. 525.

Messrs. Laufenburger, Brown, Schaaf, North and Borden. The motion prevailed.

Pursuant to Rule 21, Mr. Kirchner moved that the following members be excused for a Conference Committee on H. F. No. 1382.

Messrs. Kirchner, North and Gearty. The motion prevailed.

### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Borden moved that S. F. No. 2584 be withdrawn from the Committee on Natural Resources and Agriculture and re-referred to the Committee on Rules and Administration. The motion prevailed.

**APPOINTMENTS**

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

H. F. No. 2159, pursuant to the request of the House:

Messrs. Stokowski, Ogdahl and Gearty.

S. F. No. 1740, pursuant to the request of the Senate:

Messrs. Olhoft, Jensen and Willet.

S. F. No. 1051, pursuant to the request of the Senate:

Messrs. Coleman, Pillsbury and Borden.

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

**SPECIAL ORDER**

H. F. No. 910: A bill for an act relating to crimes; specifying the acts constituting arson and the possession of certain explosives; providing penalties; amending Minnesota Statutes 1974, Chapters 299F, by adding sections; and 609, by adding sections; repealing Minnesota Statutes 1974, Sections 299F.81; 609.555; 609.56; 609.565; 609.57; 609.575; and 609.61.

Mr. Davies moved to amend H. F. No. 910 as follows:

Page 5, after line 20, insert:

"Sec. 9. Minnesota Statutes, 1975 Supplement, Section 609.345, is amended to read:

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

(a) The complainant is under 13 years of age and the actor is no less more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense; or

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

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

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

Renumber the remaining section

Amend the title as follows:

Line 4, after "explosives;" insert "correcting an error in the definition of certain criminal sexual conduct;"

Line 6, after "sections;" and before "repealing" insert "Minnesota Statutes, 1975 Supplement, Section 609.345;"

The motion prevailed. So the amendment was adopted.

Mr. Brown moved to amend H. F. No. 910 as follows:

Page 5, after line 20, insert:

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

[609.232] [ASSAULT UPON CORRECTIONS DEPARTMENT PERSONNEL.] *Subdivision 1. Any person, other than a fellow employee or a juvenile under commitment to a reformatory who, while within a prison or reformatory, or any other inmate or parolee who, while within or outside of a prison or reformatory forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any officer or employee of the department of corrections while engaged in or on account of the performance of his official duties, shall be guilty of a felony and be imprisoned for three years.*

*Subd. 2. Whoever, in the commission of any of the acts enumerated in subdivision 1, uses a deadly or dangerous weapon, shall be guilty of a felony and be imprisoned for seven years.*

*Subd. 3. Any sentence imposed pursuant to subdivisions 1 or 2 shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody at the time of the assault or other act in violation of subdivision 1 or 2."*

Renumber the sections in sequence.

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 28 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Hansen, Mel	Larson	Patton
Bang	Doty	Hanson, R.	Merriam	Pillsbury
Berg	Dunn	Josefson	Nelson	Renneke
Bernhagen	Fitzsimons	Keefe, J.	Ogdahl	Sillers
Brataas	Frederick	Knutson	Olson, J. L.	
Brown	Hansen, Baldy	Kowalczyk	O'Neill	

Those who voted in the negative were:

Arnold	Hughes	McCutcheon	Perpich, A. J.	Stokowski
Borden	Humphrey	Milton	Purfeerst	Tennessee
Chenoweth	Keefe, S.	Moe	Schaaf	Wegener
Coleman	Kleinbaum	Olhoft	Schmitz	Willett
Conzemius	Laufenburger	Olson, A. G.	Solon	
Davies	Lewis	Olson, H. D.	Spear	

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



H. F. No. 910 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Hansen, Baldy voted in the negative.

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

#### SPECIAL ORDER

S. F. No. 855: A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guidelines for determining matters of metropolitan significance to be adopted without specific legislative approval; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

Mr. Schaaf moved to amend S. F. No. 855 as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes, 1975 Supplement, Section 473.123, is amended to read:

473.123 [METROPOLITAN COUNCIL.] Subdivision 1. [CREATION.] A metropolitan council with jurisdiction in the metropolitan area consisting of the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, is created. It shall be under the supervision and control of 17 members, all of whom shall be residents of the metropolitan area.

Subd. 2. [TERMS.] Commencing the first Monday in January, 1975, the council members shall be appointed by the governor from each of the districts described in subdivision 3. The terms of the members shall be as follows: members representing even numbered districts for terms ending the first Monday in January, 1977; *and then for terms ending the first Monday in January, 1979 and members representing odd numbered districts for terms ending the first Monday in January, 1979. Thereafter the term of each member shall be for a term of four years and until his successor is appointed and qualified.*

Members of the council serving as of the first Monday in January, 1975 shall continue to serve the district described in subdivi-

sion 3 in which they reside for the term herein prescribed for that district, provided that if more than one such member resides in the same district the governor shall designate one of them to serve as the council member from the district and the terms of the other members are thereupon terminated. The governor shall appoint as members of the council one resident of each district described in subdivision 3 in which no present member of the council resides to serve for the term herein defined. For the purpose of this subdivision the residence of present members of the council serving as of the first Monday in January, 1975 shall be their residence as of July 1, 1974.

*Commencing with the general election in 1978, members of the council shall be elected, one from each district described in subdivision 3, to three year terms. Commencing with the uniform municipal election in 1981, members shall be elected in the following manner: members representing even-numbered districts shall be elected in 1981 for a four-year term and every four years thereafter; members representing odd-numbered districts shall be elected at the uniform municipal election in 1981 for a two-year term, and in 1983 for a four year term and every four years thereafter. An elective term for a member shall begin on the first Monday in January after election and continue until his successor is elected and qualifies.*

Subd. 3. [MEMBERSHIP.] Sixteen members of the metropolitan council shall be appointed by the governor on a nonpartisan basis, after consulting with all members of the legislature from the area composing the council district for which the member is to be appointed, by and with the advice and consent of the senate elected. Each such council member shall reside in the council district which he represents. Each council district shall be represented by one member of the council. Council districts are hereby created as follows:

(1) The first council district consists of that part of the city of St. Paul described as follows: commencing at the intersection of the center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwesterly along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwesterly, westerly, and northerly along the main channel of the Mississippi river to the west city limits, and extending northerly along the west city limits to the point of origin.

(2) The second council district consists of that part of the county of Ramsey consisting of the cities of Lauderdale, Falcon Heights, and Roseville; and that part of the city of St. Paul described as follows: commencing at the intersection of the

center line of University avenue with the west city limits, extending easterly along the center line of University avenue to the center line of Rice street, extending northerly along the center line of Rice street to the Burlington Northern railroad right of way, extending easterly along the Burlington Northern railroad right of way to the center line of Sylvan street, extending northerly along the center line of Sylvan street to the center line of Magnolia avenue west, extending easterly along the center line of Magnolia avenue west to the center line of Agate street, extending northerly along the center line of Agate street to the center line of Jessamine avenue west extended, extending easterly along the center line of Jessamine avenue west extended to the center line of Interstate 35E, extending northerly along the center line of Interstate 35E to the north city limits, and extending westerly, southerly, westerly, southerly, westerly, northerly, westerly, and southerly along the city limits to the point of origin.

(3) The third council district consists of that part of the city of St. Paul described as follows: commencing at the intersection of the center line of Interstate 35E with the north city limits, extending southerly along the center line of Interstate 35E to the center line of Jessamine avenue west extended; extending westerly along the center line of Jessamine avenue west extended to the center line of Agate street, extending southerly along the center line of Agate street to the center line of Magnolia avenue west, extending westerly along the center line of Magnolia avenue west to the center line of Sylvan street, extending southerly along the center line of Sylvan street to the Burlington Northern railroad right of way, extending westerly along the Burlington Northern railroad right of way to the center line of Rice street, extending southerly along the center line of Rice street to the center line of Interstate 94, extending easterly along the center line of Interstate 94 to the center line of Summit avenue extended, extending southwestward along the center line of Summit avenue extended and Summit avenue to the center line of Kellogg boulevard, extending southeasterly along the center line of Kellogg boulevard to the center line of Eagle street, extending southeasterly along the center line of Eagle street to the main channel of the Mississippi river, extending southwestward along the main channel of the Mississippi river to the south city limits, extending easterly, northerly, easterly, southerly, easterly, southeasterly, easterly, northerly, and westerly along the city limits to the point of origin.

(4) The fourth council district consists of that part of the county of Ramsey consisting of the town of White Bear; the cities of Arden Hills, Gem Lake, Little Canada, Moundsview, New Brighton, North Oaks, North St. Paul, Shoreview, and Vadnais Heights; that part of the city of White Bear Lake lying in the county of Ramsey; and that part of the city of Maplewood lying north of the center line of Larpen Avenue.

(5) The fifth council district consists of that part of the county of Hennepin consisting of the city of Robbinsdale; that part of the city of Golden Valley described as follows: commencing

at the intersection of the center line of trunk highway No. 100 with the north city limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east city limits, and extending northerly, westerly, northerly, and westerly along the city limits to the point of origin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north city limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and sixth street north to the center line of Hennepin avenue, extending southwesterly along the center line of Hennepin avenue to the center line of Franklin avenue west, extending westerly along the center line of Franklin avenue west to the center line of Lake of the Isles boulevard east, extending southerly along the center line of Lake of the Isles boulevard east to the center line of Lake Calhoun boulevard east, extending southerly along the center line of Lake Calhoun boulevard east to the center line of Lake street west, extending westerly along the center line of Lake street west to the west city limits, and extending northerly, easterly, northerly, and easterly along the city limits to the point of origin.

(6) The sixth council district consists of that part of the county of Hennepin consisting of that part of the city of St. Anthony lying in the county of Hennepin; and that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the north city limits, extending southerly along the main channel of the Mississippi river to the Burlington Northern railroad right of way, extending southwesterly along the Burlington Northern railroad right of way to the center line of Sixth street north extended, extending southeasterly along the center line of Sixth street north extended and Sixth street north to the center line of Hennepin avenue, extending southwesterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended, extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Fifteenth avenue south, extending northerly along the center line of Fifteenth avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Cedar avenue south, extending northerly along the center line of Cedar avenue south to the

center line of Sixth street south; extending easterly along the center line of Sixth street south to the center line of Twenty-seventh avenue south extended, extending northerly along the center line of Twenty-seventh avenue south extended to the main channel of the Mississippi river, extending southeasterly along the main channel of the Mississippi river to the east city limits, and extending northerly, westerly, northerly, westerly, northerly, and westerly to the point of origin; and that part of the county of Ramsey consisting of that part of the city of St. Anthony lying in the county of Ramsey.

(7) The seventh council district consists of that part of the city of Minneapolis described as follows: commencing at the intersection of the center line of Lake street west with the west city limits, extending easterly along the center line of Lake street west to the center line of Lake Calhoun boulevard east, extending northerly along the center line of Lake Calhoun boulevard east to the center line of Lake of the Isles boulevard east, extending northerly along the center line of Lake of the Isles boulevard east to the center line of Franklin avenue west, extending easterly along the center line of Franklin avenue west to the center line of Hennepin avenue, extending northeasterly along the center line of Hennepin avenue to the center line of Lincoln avenue extended, extending easterly along the center line of Lincoln avenue extended to the center line of Lyndale avenue south, extending southerly along the center line of Lyndale avenue south to the center line of Twenty-fourth street east, extending easterly along the center line of Twenty-fourth street east to the center line of Stevens avenue south, extending southerly along the center line of Stevens avenue south to the center line of Twenty-fifth street east, extending easterly along the center line of Twenty-fifth street east to the center line of Chicago avenue south, extending southerly along the center line of Chicago avenue south to the center line of Thirty-eighth street east, extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south, extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east, extending westerly along the center line of Forty-second street east to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended, extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south, extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east, extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the south city limits, and extending westerly, northerly, westerly, and northerly to the point of origin.

(8) The eighth council district consists of that part of the city of Minneapolis described as follows: commencing at the intersection of the main channel of the Mississippi river with the east

city limits, extending northwesterly along the main channel of the Mississippi river to the center line of Twenty-seventh avenue south extended, extending southerly along the center line of Twenty-seventh avenue south extended to the center line of Sixth street south, extending westerly along the center line of Sixth street south to the center line of Cedar avenue south, extending southerly along the center line of Cedar avenue south to the center line of Twenty-fourth street east, extending westerly along the center line of Twenty-fourth street east to the center line of Fifteenth avenue south, extending southerly along the center line of Fifteenth avenue south to the center line of Twenty-fifth street east, extending westerly along the center line of Twenty-fifth street east to the center line of Chicago avenue south, extending southerly along the center line of Chicago avenue south, to the center line of Thirty-eighth street east, extending westerly along the center line of Thirty-eighth street east to the center line of Fourth avenue south, extending southerly along the center line of Fourth avenue south to the center line of Forty-second street east, extending westerly along the center line of Forty-second street east to the centerline of Interstate 35W, extending southerly along the center line of Interstate 35W to the center line of Forty-eighth street east extended, extending westerly along the center line of Forty-eighth street east extended and Forty-eighth street east to the center line of Nicollet avenue south, extending southerly along the center line of Nicollet avenue south to the center line of Fifty-seventh street east, extending easterly along the center line of Fifty-seventh street east and Fifty-seventh street east extended to the center line of Interstate 35W, extending southerly along the center line of Interstate 35W to the south city limits, and extending easterly, northerly, easterly, and northerly to the point of origin.

(9) The ninth council district consists of that part of the county of Hennepin consisting of the Fort Snelling area; the city of Richfield; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits, extending southerly along the center line of France avenue south to the center line of One Hundred Second street west, extending westerly along the center line of One Hundred Second street west to the center line of Johnson avenue, extending southerly along the center line of Johnson avenue to the Minneapolis, Northfield, and Southern railroad right of way, extending southwesterly along the Minneapolis, Northfield, and Southern railroad right of way to the center line of Normandale boulevard, extending southerly along the center line of Normandale boulevard to the south city limits, extending easterly, northeasterly, westerly, northerly, and westerly along the city limits to the point of origin.

(10) The tenth council district consists of that part of the county of Hennepin consisting of the cities of New Hope, Crystal and St. Louis Park; and that part of the city of Golden Valley

described as follows: commencing at the intersection of the center line of trunk highway No. 100 and the north city limits, extending southerly along the center line of trunk highway No. 100 to the Minnesota Western railroad right of way, extending easterly along the Minnesota Western railroad right of way to the east city limits, extending southerly, westerly, southerly, westerly, and northerly along the city limits to the center line of Olson Memorial highway, extending easterly along the center line of Olson Memorial highway to the center line of Winnetka avenue north, extending northerly along the center line of Winnetka avenue north to the north city limits, and extending easterly along the north city limits to the point of origin.

(11) The eleventh council district consists of that part of the county of Hennepin consisting of the cities of Edina, Medicine Lake, Minnetonka, Plymouth, Hopkins and Wayzata; and that part of the city of Golden Valley described as follows: commencing at the intersection of the center line of Winnetka avenue north and the north city limits, extending southerly along the center line of Winnetka avenue north to the center line of Olson Memorial highway; extending westerly along the center line of Olson Memorial highway to the west city limits, and extending northerly and easterly along the city limits to the point of origin.

(12) The twelfth council district consists of that part of the county of Anoka consisting of the towns of Burns, Grow, Oak Grove, and Ramsey; the cities of Anoka, Bethel and St. Francis; and that part of the county of Hennepin consisting of the town of Hassan; the cities of Corcoran, Champlin, Davton, Greenfield, Independence, Loretto, Maple Grove, Maple Plain, Medina, Minnetrista, Osseo, Rogers, St. Bonifacius, Brooklyn Center and Brooklyn Park; and that part of the cities of Hanover and Rockford lying in the county of Hennepin.

(13) The thirteenth council district consists of that part of the county of Anoka consisting of the town of Ham Lake; the cities of East Bethel, Hilltop, Columbia Heights, Coon Rapids, and Fridley; and that part of the city of Spring Lake Park and the city of Blaine lying in Anoka county; and that part of the county of Ramsey consisting of that part of the cities of Spring Lake Park and Blaine lying in the county of Ramsey.

(14) The fourteenth council district consists of the county of Washington; that part of the county of Anoka consisting of the towns of Columbus and Linwood; and the cities of Centerville, Circle Pines, Lexington, and Lino Lakes; that part of the county of Dakota consisting of the towns of Marshan, Nininger, and Ravenna; the city of Hastings; and that part of the county of Ramsey consisting of that part of the city of Maplewood lying south of the center line of Larpenteur avenue.

(15) The fifteenth council district consists of that part of the county of Dakota consisting of the towns of Castle Rock, Douglas, Eagan, Empire, Eureka, Greenvale, Hampton, Randolph, Sciota, Vermillion, and Waterford; the cities of Apple Valley, Burnsville, Coates, Farmington, Hampton, Inver Grove Heights, Lilydale, Mendota, Mendota Heights,

Miesville, New Trier, Randolph, Rosemount, Sunfish Lake, Vermillion, South St. Paul and West St. Paul.

(16) The sixteenth council district consists of the counties of Carver and Scott; that part of the county of Dakota consisting of the city of Lakeville; and that part of the county of Hennepin consisting of the cities of Deephaven, Eden Prairie, Excelsior, Greenwood, Long Lake, Minnetonka Beach, Mound, Orono, Shorewood, Spring Park, Tonka Bay, and Woodland; that part of the city of Chanhassen lying in the county of Hennepin; and that part of the city of Bloomington described as follows: commencing at the intersection of the center line of France avenue south with the north city limits, extending southerly along the center line of France avenue south to the center line of One Hundred Second street west, extending westerly along the center line of One Hundred Second street west to the center line of Johnson avenue south, extending southerly along the center line of Johnson avenue south to the Minneapolis, Northfield, and Southern railroad right of way, extending southwesterly along the Minneapolis, Northfield and Southern railroad right of way to the center line of Normandale boulevard, extending southerly along the center line of Normandale boulevard to the south city limits, and extending westerly, northerly, and easterly, along the city limits to the point of origin.

*Subd. 3a. [OATH OF OFFICE.] Each member of the council shall qualify by taking and subscribing the oath of office prescribed by the Constitution, Article 5, Section 6. The oath, duly certified by the official administering it, shall be filed with the secretary of the council.*

*Subd. 3b. [VACANCIES.] If the office of any elected member becomes vacant, a successor shall be selected by the council, to serve until after a member is elected at the next general election. The term of an elected successor shall commence on the day of the next regular meeting of the council following his election and continue for the remainder of the term of the elected member being replaced.*

*Subd. 3c. [ELECTIONS, PROCEDURE.] Any eligible person desiring to be a candidate for the council from any district shall file an affidavit of candidacy in the manner and within the time prescribed by section 202A.22 and pay a filing fee in the amount of \$20. The candidate shall state in his affidavit that on election day he will have resided within the state not less than one year and in the district from which he seeks election for not less than six months. The primary and general elections shall be conducted in accordance with the provisions of Minnesota election law. The names of the candidates shall be placed on a partisan ballot at the primary election and the names of the nominees at the primary election shall be placed on the official partisan ballot for the ensuing general election.*

*Subd. 4. [CHAIRMAN; APPOINTMENT, DUTIES.] (a) The chairman of the metropolitan council shall be appointed by the governor as the 17th voting member thereof by and with the advice and consent of the senate to serve at his pleasure. He shall be a person experienced in the field of municipal and urban affairs with administrative training and executive ability.*

*(b) The chairman of the metropolitan council shall preside at the meetings of the metropolitan council and shall act as principal*



executive officer. He shall organize the work of the metropolitan council, appoint all officers and employees thereof, subject to the approval of the metropolitan council, and be responsible for carrying out all policy decisions of the metropolitan council. His salary and expense allowances shall be fixed by the metropolitan council.

Subd. 5. [METROPOLITAN COUNCIL; DUTIES AND COMPENSATION.] The metropolitan council shall elect such officers as it deems necessary for the conduct of its affairs other than the chairman. A secretary and treasurer need not be members of the metropolitan council. Meeting times and places shall be fixed by the metropolitan council and special meetings may be called by a majority of the members of the metropolitan council or by the chairman thereof. Each metropolitan council member other than the chairman shall be paid a *per diem* compensation of about \$50 for each meeting and for such other services as authorized by the metropolitan council at the same salary as state legislators, and shall be reimbursed for his reasonable expenses in the same manner and amount as state employees.

In the performance of its duties the metropolitan council may promulgate rules governing its operation, establish committees, divisions, departments and bureaus and staff the same as necessary to carry out its duties and when specifically authorized by law make appointments to other governmental agencies and districts. All officers and employees of the metropolitan council shall serve at the pleasure of the appointing authority in the unclassified service of the state civil service. Rules promulgated by the metropolitan council shall be in accordance with the administrative procedure provisions contained in chapter 15.

Subd. 6. [EXECUTIVE DIRECTOR.] Upon the recommendation of the chairman the metropolitan council may appoint an executive director to serve at his pleasure as the principal operating administrator for the metropolitan council. He may be chosen from among the citizens of the nation at large, and shall be selected on the basis of his training and experience in the field of municipal and urban affairs.

Sec. 2. Minnesota Statutes, 1975 Supplement, Section 473.141, Subdivision 3, is amended to read:

Subd. 3. [CHAIRMAN.] The chairman of each commission shall be appointed by the ~~governor~~ chairman of the council with the ~~advice and consent~~ approval of the ~~senate~~ council and shall be the ninth voting member of the commission and shall meet all qualifications established for members, except the chairman need only reside within the metropolitan area. The chairman shall preside at all meetings of the commission, if present, and shall perform all other duties and functions assigned to him by the commission or by law. Each commission may appoint from among its members a vice-chairman to act for the chairman during his temporary absence or disability.

Sec. 3. Minnesota Statutes, 1975 Supplement, Section 473.146, Subdivision 4, is amended to read:

Subd. 4. The metropolitan council shall be the designated planning agency for any long-range comprehensive transportation planning required by Section 134 of the Federal Highway Act of 1962, Section 4 of Urban Mass Transportation Act of 1964 and Section 112 of Federal Aid Highway Act of 1973 and such other federal transportation laws as may hereinafter be enacted. The council shall assure administration and coordination of transportation planning with appropriate state, regional and other agencies, counties and municipalities, ~~and together with the metropolitan transit commission shall establish such an advisory body consisting of citizen representatives, commission, municipality, county and appropriate state agency representatives in fulfillment of the planning responsibilities of the council and the commission.~~

Sec. 4. Minnesota Statutes, 1975 Supplement, Section 473.249, Subdivision 1, is amended to read:

473.249 [TAX LEVY.] Subdivision 1. The metropolitan council may levy a tax on all taxable property in the counties named in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249, *and for the purpose of carrying out other responsibilities of the council as provided by law*. The tax shall not exceed ~~seven thirtieths~~ *three-tenths* of one mill on each dollar of assessed valuation of all such taxable property, and shall be levied and collected in the manner provided by section 473.08.

Sec. 5. Minnesota Statutes 1974, Section 10A.01, Subdivision 5, is amended to read:

Subd. 5. "Candidate" means an individual who seeks nomination for election or election to any statewide office or legislative office, other than a federal office for which candidates are required to report under federal laws. The term candidate shall also include supreme court and district court judges of the state, *and an individual who seeks nomination for election or election to the metropolitan council*. An individual shall be deemed to seek nomination for election or election if he has taken the action necessary under the law of the state of Minnesota to qualify himself for nomination for election or election to an office, has received contributions or made expenditures in excess of \$100, or has given his consent, implicit or explicit, for any other person to receive contributions or make expenditures in excess of \$100 with a view to bringing about his nomination for election or election to an office.

Sec. 6. Minnesota Statutes 1974, Section 10A.17, Subdivision 3, is amended to read:

Subd. 3. The treasurer or deputy treasurer of a political committee may make an authorization for petty cash in any reporting period of not more than \$100 per week for statewide elections and \$20 per week in legislative elections *and metropolitan council elections* to be used for miscellaneous expenditures.

Sec. 7. Minnesota Statutes 1974, Section 10A.20, Subdivision 3, is amended to read:

Subd. 3. Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or, if self-employed, occupation of each person, political committee or political fund who has made one or more contributions to or for the political committee or political fund including the purchase of tickets for dinners, luncheons, rallies, and similar fund raising events within the year in an aggregate amount or value in excess of \$50 for legislative candidates *and candidates for metropolitan council*, and in excess of \$100 for statewide candidates, together with the amount and date of the contributions, and the aggregate amount of contributions within the year of each contributor so disclosed. The lists of contributors shall be in alphabetical order;

(c) The total sum of individual contributions made to or for the political committee or political fund during the reporting period and not reported under clause (b);

(d) The name and address of each political committee, political fund or candidate from which the reporting committee or fund received, or to which that committee made, any transfer of funds, together with the amounts and dates of all transfers. The lists shall be in alphabetical order;

(e) Each loan to or from any person within the year in an aggregate amount or value in excess of \$100, together with the full names and mailing address, occupations and the principal places of business, if any, of the lender or endorers, if any, and the date and amount of the loans;

(f) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (e);

(g) The total sum of all receipts by or for the political committee or political fund during the reporting period;

(h) The name, address, occupation and the principal place of business, if any, of each person to whom expenditures have been made by the political committee or political fund or on its behalf within the year in an aggregate amount in excess of \$100, the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made;

(i) The sum of individual expenditures which is not otherwise reported under clause (h);

(j) The name, address, occupation and the principal place of business, if any, of each person to whom an expenditure for personal services, salaries, and reimbursable expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date and purpose of the expenditure;

(k) The sum of individual expenditures for personal services, salaries and reimbursable expense which is not otherwise reported under (j);

(l) The total expenditures made by the political committee or political fund during the reporting period;

(m) The amount and nature of debts and obligations owed by or to the political committee or political fund, and a continuous reporting of their debts and obligations after the election until the debts and obligations are extinguished;

(n) The amount and nature of any contract, promise or agreement, in writing, whether or not legally enforceable, to make a contribution or expenditure;

(o) The name of each person, committee or political fund, which has been authorized by the treasurer to make expenditures on behalf of the candidate and the nature and amount of each authorized expenditure.

Sec. 8. Minnesota Statutes 1974, Section 10A.20, Subdivision 5, is amended to read:

Subd. 5. In any statewide election any contribution or contributions from a person or association totaling \$2,000 or more, or in any legislative election *or metropolitan council election*, any contribution of \$200 or more, received after the period covered in the last report prior to an election and prior to the election shall be reported to the commission by telegram within 48 hours after its receipt and in the next required report.

Sec. 9. Minnesota Statutes 1974, Section 10A.21, Subdivision 1, is amended to read:

10A.21 [REPORTS TO COUNTY AUDITOR.] Subdivision 1. All reports or statements that must be filed with the commission by the principal campaign committee of legislative candidates *and candidates for metropolitan council* shall also be filed with the county auditor of each county in which the legislative *or metropolitan council* district lies.

Sec. 10. Minnesota Statutes 1974, Section 10A.22, Subdivision 5, is amended to read:

Subd. 5. A political committee or political fund making an expenditure, other than a transfer of funds, for or on behalf of more than one candidate for state or legislative office *or membership on the metropolitan council* shall allocate the expenditure among the candidates on a reasonable cost basis and report this allocation for each candidate. The treasurer shall retain for audit any documents supporting the allocation.

Sec. 11. *This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

Renumber the remaining section

Amend the title as follows:

Line 2, after the semicolon insert: "providing for the election of council members; modifying certain council duties;"

Line 6, after "amending" insert "Minnesota Statutes 1974, Sections 10A.01, Subdivision 5; 10A.17, Subdivision 3; 10A.20, Subdivisions 3 and 5; 10A.21, Subdivision 1; 10A.22, Subdivision 5; Minnesota Statutes, 1975 Supplement, Sections 473.123; 473.141, Subdivision 3; 473.146, Subdivision 4; 473.249, Subdivision 1;"

Mr. Coleman moved to amend the Schaaf amendment to S. F. No. 855 as follows:

Page 2, line 28, after the period insert "*The council shall submit to the legislature, by February 15, 1981, a proposed redistricting plan for 25 council districts, based upon the 1980 federal census.*"

Page 16, strike the new language in line 24 and insert "*an annual salary of \$22,500*"

Page 18, after section 3 and before section 4, insert:

"Sec. 4. Minnesota Statutes, 1975 Supplement, Section 473.163, Subdivision 1, is amended to read:

473.163 [METROPOLITAN COMMISSION BUDGET PREPARATION; REVIEW AND APPROVAL.] Subdivision 1. Each metropolitan commission shall prepare a proposed budget for calendar year 1976 and each calendar year thereafter. The proposed budget shall be prepared on or before August 1, 1975 and each year thereafter. The budget shall show for each such year:

(a) The estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service; and

(b) Capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated costs of capital improvements to be paid out or expended during the year; all in such detail and form as the council may prescribe; and

(c) *The amount of funds required by the commission from the levy provided in section 473.249.*

Sec. 5. Minnesota Statutes, 1975 Supplement, Section 473.163, Subdivision 2, is amended to read:

Subd. 2. Between August 1 and September 1 of each year, the commission shall hold a public hearing on the proposed budget. Not less than 14 days before the hearing, the commission shall publish notice thereof in a newspaper having general circulation in the metropolitan area, stating the date, time and place of hearing, and the place where the proposed budget may be examined by any interested person. ~~Those parts of The budget relating to revenues and expenditures for capital improvements shall be submitted to the council on or before August 1 of each year and shall be subject to approval by the council. The council shall act to approve or disapprove the budget in whole or in part by October 1 of each year. Before December 15 of each year the commission, after obtaining and in conformance with approval of the council for any changes in the capital improvements budget, shall by resolution adopt a final budget. Each commission shall file its final budget with the council on or before December 20 of each year. Except in an emergency, for which procedures shall be es-~~

established by the commission, the commission and its officers, agents and employees shall not spend money for any purpose, other than debt service, without an appropriation by the commission or in excess of the amount appropriated therefor, and no obligation to make such an expenditure shall be enforceable except as the obligation of the person or persons incurring it. The creation of any debt obligation or the receipt of any federal or state grant is a sufficient appropriation of the proceeds for the purpose for which it is authorized, and of the tax or other revenues pledged to pay the obligation and interest on it whether or not specifically included in any annual budget. The commission may, after obtaining approval of the council, amend the capital improvements budget at any time by transferring any appropriation from one purpose to another, except appropriations of the proceeds of bonds issued for a specific purpose. The council shall file the budgets of all commissions with the secretary of the senate and the clerk of the house of representatives not later than January 15 of each year.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 473.163, Subdivision 4, is amended to read:

Subd. 4. Thirty days prior to the establishment of or change in any user charges or fees or schedule of user charges or fees the metropolitan commission shall forthwith submit proposed charges or fees or schedule to the council *for approval*. The council shall review ~~and comment upon~~ the charges, fees or schedule with particular reference to (1) their consistency with the development guide and policy plan, and (2) their fiscal impact on the metropolitan area, especially their impact on future debt service requirements, the financing of future capital improvements, and on the various local governmental units and classes of users. Upon a request from any local governmental unit, the council shall hold a public hearing for the purpose of receiving testimony from local governmental units and the public prior to commenting upon the establishment or change in any user charges, fees, or schedules. *The council may approve the changes in whole or in part and may require modifications in the proposed changes.* On or before January 15 of each year, the council shall transmit the charges, user fees or schedules of all commissions and its comments thereon to the secretary of the senate and chief clerk of the house of representatives."

Page 18, line 11, strike "Subdivision 1."

Page 18, line 15, strike "473.121 to 473.249" and insert "chapter 473"

Page 18, after line 20, insert

"Subd. 2. ~~This section applies to taxes levied in 1960 and subsequent years. Commencing with the levy in 1979, payable in 1980, the levy in this section may be in an amount not to exceed two and fifty-two-one hundredth mills within the transit taxing district and ninety-seven-hundredth mills outside of the transit taxing district.~~"

At the end of the section, insert "The council shall annually appropriate to each metropolitan commission the amounts pro-

*vided for in the commission budget as approved by the council. Nothing herein shall affect the obligations of the council to pay, when due, the principal and interest on bonds issued pursuant to section 473.325."*

Page 18, after line 20, insert:

"Sec. 8. Minnesota Statutes, 1975 Supplement, Section 473.325, Subdivision 2, is amended to read:

Subd. 2. The metropolitan council shall sell and issue such bonds in the manner provided in chapter 475, and shall have the same powers and duties as a municipality issuing bonds under that law, except that the approval of a majority of the electors shall not be required and the net debt limitations therein shall not apply. The terms of each series of such bonds shall be fixed so that the amount of principal and interest on all outstanding and undischarged bonds, together with the bonds proposed to be issued, due in any year shall not exceed ~~5 mills~~ *an amount as determined by the council, provided that the levy in any year shall be paid out of the taxes levied in section 4 of this act times the assessed value of all taxable property in the metropolitan area as last finally equalized prior to a proposed issue.* The bonds shall be secured in accordance with section 475.61, subdivision 1, and any taxes required for their payment shall be levied by the council, shall not affect the amount or rate of taxes which may be levied by the council for other purposes, shall be spread against all taxable property in the metropolitan area, and shall not be subject to limitation as to rate or amount. Any taxes certified by the council to the county auditors for collection shall be reduced by the amount received by the council from the commissioner of finance or the federal government for the purpose of paying the principal and interest on bonds to which the levy relates. The council shall certify the fact and amount of all money so received to the county auditors, and the auditors shall reduce the levies theretofore made for such bonds in the manner and to the extent provided in section 475.61, subdivision 3.

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 473.446, Subdivision 1, is amended to read:

473.446 [TRANSIT TAX LEVIES.] Subdivision 1. [AMOUNT.] For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, the metropolitan transit commission may levy upon all taxable property within the metropolitan transit taxing district, defined herein, a transit tax, which shall not in any year exceed the sum of the following:

(a) An amount equal to 1.72 mills times the assessed value of all such property some or all of the proceeds of which may be used to provide for the full and timely payment of its certificates of indebtedness and other obligations of the commission to which collections of the wheelage tax and replacement property tax under section 473.443 have been pledged; plus any amount needed for compliance with any final judgment of a court of competent jurisdiction requiring payment of any amount of the wheelage tax levied by the commission for 1971 and prior years; plus

~~(b)~~ (a) Such additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations to which property taxes under this section have been pledged, provided that the amount of principal and interest to come due on such obligations shall not exceed \$3,000,000 in any year; plus an additional amount not to exceed \$2,000,000 in any one year to be used exclusively to provide for the full and timely payment of certificates of indebtedness and other obligations issued for the purposes of the bus service expansion report as adopted by the metropolitan transit commission on February 20, 1974, to which property taxes under this section have been pledged;

~~(c)~~ (b) Nothing in this section shall be construed as providing funding for the preliminary engineering, consultant studies, or construction of a regional fixed guideway system."

Page 22, after line 18, insert:

"Sec. 16. On January 1, 1981, there shall be transferred in a manner provided for by law, from the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington to the council all of the powers and duties of the counties relating to health, welfare, libraries, and parks."

Sec. 17. Minnesota Statutes, 1975 Supplement, Section 473.446, Subdivision 1a, is repealed.

Sec. 18. Sections 4, 5, 6, 8 and 9 of this act shall be effective on January 1, 1979."

Renumber the sections in sequence

Further amend the title as follows:

Line 2, after "duties;" insert "transferring certain functions from the counties to the council;"

Line 6, after "Subdivision 4;" insert "473.163, Subdivisions 1, 2 and 4"

Line 6, after "473.249" strike ", Subdivision 1" and insert "; 473.-325, Subdivision 2; 473.446, Subdivision 1"

The question being taken on the adoption of the Coleman amendment to the Schaaf amendment,

And the roll being called, there were yeas 19 and nays 39, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	McCutcheon	Perpich, A. J.	Stumpf
Coleman	Jensen	Ogdahl	Pillsbury	Tennessee
Davies	Kleinbaum	Olson, A. G.	Solon	Wegener
Doty	Laufenburger	Olson, J. L.	Stassen	

Those who voted in the negative were:

Anderson	Berg	Brataas	Conzemius	Gearty
Arnold	Bernhagen	Brown	Dunn	Hansen, Baldy
Bang	Blatz	Chenoweth	Fitzsimons	Hansen, Mel



Hanson, R.	Knutson	Nelson	Patton	Spear
Hughes	Kowalczyk	North	Purfeerst	Stokowski
Humphrey	Merriam	Olhoft	Renneke	Ueland
Keefe, J.	Milton	Olson, H. D.	Schaaf	Willet
Keefe, S.	Moe	O'Neill	Schmitz	

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

Mr. Schmitz moved to amend the Schaaf amendment to S. F. No. 855 as follows:

Page 2, strike lines 17 to 28 and insert: "*Commencing January 1, 1979, the members of the council shall be selected as provided in subdivision 3c to three-year terms.*"

Page 3, line 13, strike "Sixteen" and insert "*Fifteen*"

Page 3, line 17, after the stricken word "advice" insert "*selected as provided in subdivision 3c by and with the advice*"

Page 3, line 18, reinstate the stricken language and strike the new language

Page 15, strike lines 2 to 7, and insert:

*"Subd. 3b. [VACANCIES.] If the office of any member becomes vacant, a member shall be selected in the same manner as the original appointee, to fill out the remainder of the term."*

Page 15, strike lines 9 to 21, and insert:

*"Subd. 3c. [SELECTION OF COUNCIL MEMBERS.] Commencing in January, 1979, the members of the metropolitan council shall be selected from among the generalized planning areas provided in the development framework guide adopted by the metropolitan council in 1974 as follows:*

*(a) One representative selected by the county board of each metropolitan county;*

*(b) One member appointed by each of the city councils of Minneapolis and St. Paul;*

*(c) Three representatives from the inner ring suburbs; to be appointed by the inner ring suburb city mayors;*

*(d) Two representatives from the developing suburbs; appointed by the mayors of the developing ring cities;*

*(e) Two representatives from the free standing growth centers; appointed by the mayors of the free standing growth center cities."*

Page 17, lines 5 and 6, strike "Upon the recommendation of the chairman the metropolitan council may" and insert "*The metropolitan council shall*"

Page 17, line 7, strike "his" and insert "*the*" and after "pleasure" insert "*of the council*"

The question being taken on the adoption of the Schmitz amendment to the Schaaf amendment,

And the roll being called, there were yeas 33 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Brown	Hansen, Baldy	Olson, H. D.	Sillers
Ashbach	Chmielewski	Hanson, R.	Olson, J. L.	Stassen
Bang	Conzemius	Jensen	Patton	Ueland
Berg	Doty	Josefson	Pillsbury	Wegener
Bernhagen	Dunn	Larson	Renneke	Willet
Blatz	Fitzsimons	Nelson	Schmitz	
Brataas	Frederick	Olhoft	Schrom	

Those who voted in the negative were:

Arnold	Humphrey	Merriam	O'Neill	Stokowski
Chenoweth	Keefe, S.	Milton	Perpich, A. J.	Stumpf
Coleman	Knutson	Moe	Purfeerst	Tennessen
Davies	Kowalczyk	North	Schaaf	
Gearty	Laufenburger	Ogdahl	Solon	
Hughes	McCutcheon	Olson, A. G.	Spear	

The motion prevailed. So the amendment to the amendment was adopted.

#### MEMBERS EXCUSED

Pursuant to Rule 21, Mr. Tennessen moved that the following members be excused for a Conference Committee on S. F. No. 840:

Messrs. Jensen, Stokowski and Tennessen. The motion prevailed.

Mr. Hughes moved a substitute amendment to the Schaaf amendment to S. F. No. 855 as follows:

Page 2, after line 12, insert:

**"Sec. 2. [COMMITTEE TO STUDY GOVERNMENTAL STRUCTURE.]** *A joint committee, consisting of members of the House Local and Urban Affairs Committee, the Senate Metropolitan and Urban Affairs Committee, and the Governmental Operations Committees of House and Senate, is established to study governmental structure in the seven county metropolitan area.*

*The study shall include responsibility of city and county government, and the role and function of these units of government in relation to the metropolitan council.*

*The joint committee shall make a report to the 1977 session of the legislature."*

Amend the title as follows:

Line 6, after the semicolon, insert "providing for a joint committee to study governmental structure;"

The question being taken on the adoption of the Hughes substitute amendment,

And the roll being called, there were yeas 41 and nays 12, as follows:

## Those who voted in the affirmative were:

Anderson	Davies	Keefe, S.	North	Purfeerst
Arnold	Doty	Kleinbaum	Ogdahl	Schaaf
Ashbach	Dunn	Knutson	Olhoft	Spear
Bang	Gearty	Kowalczyk	Olson, A. G.	Stassen
Blatz	Hansen, Mel	Laufenburger	Olson, H. D.	Stumpf
Brataas	Hanson, R.	McCutcheon	Olson, J. L.	
Chenoweth	Hughes	Merriam	O'Neill	
Coleman	Humphrey	Milton	Patton	
Conzemius	Keefe, J.	Moe	Perpich, A. J.	

## Those who voted in the negative were:

Berg	Chmielewski	Nelson	Renneke	Schrom
Bernhagen	Frederick	Pillsbury	Schmitz	Willet
Brown	Josefson			

The motion prevailed. So the substitute amendment was adopted.

Mr. Schaaf moved to amend S. F. No. 855 as follows:

Page 2, after line 12, insert:

"Sec. 2. Minnesota Statutes, 1975 Supplement, Section 473.249, Subdivision 1, is amended to read:

473.249 [TAX LEVY.] Subdivision 1. The metropolitan council may levy a tax on all taxable property in the counties named in section 473.121 to provide funds for the purposes of sections 473.121 to 473.249, *and for the purpose of carrying out other responsibilities of the council as provided by law.* The tax shall not exceed ~~seven thirtieths~~ *three-tenths* of one mill on each dollar of assessed valuation of all such taxable property, and shall be levied and collected in the manner provided by section 473.08."

Amend the title as follows:

Page 1, line 7, before the period, insert "; and Minnesota Statutes, 1975 Supplement, Section 473.249, Subdivision 1"

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

S. F. No. 855: A bill for an act relating to metropolitan government; authorizing council regulations establishing standards and guidelines for determining matters of metropolitan significance to be adopted without specific legislative approval; providing for a joint committee to study governmental structure; amending Laws 1975, Chapter 13, Section 18, Subdivision 2.

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

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

And the roll being called, there were yeas 53 and nays 1, as follows:

## Those who voted in the affirmative were:

Anderson	Brown	Fitzsimons	Keefe, J.	Moe
Arnold	Chenoweth	Frederick	Keefe, S.	Nelson
Ashbach	Chmielewski	Gearty	Kleinbaum	North
Bang	Coleman	Hansen, Mel	Knutson	Ogdahl
Berg	Conzemius	Hanson, R.	Kowalczyk	Olson, A. G.
Bernhagen	Davies	Hughes	Laufenburger	Olson, H. D.
Blatz	Doty	Humphrey	McCutcheon	Olson, J. L.
Brataas	Dunn	Josefson	Merriam	O'Neill

Patton  
Perpich, A. J.  
Pillsbury

Purfeerst  
Renneke  
Schaaf

Schmitz  
Schrom  
Spear

Stassen  
Stumpf  
Wegener

Willet

Mr. Milton voted in the negative.

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

### SPECIAL ORDER

Pursuant to Rule 10, Mr. Arnold, Chairman of the Committee on Finance, designated S. F. No. 1963, No. 118 on the General Orders Calendar, a Special Order to be heard immediately.

S. F. No. 1963: A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, judges and judicial branch employees; limiting possible increases for certain executive branch employees; requiring political subdivisions of the state to report certain salaries; providing for a report by the personnel board; amending Minnesota Statutes 1974, Sections 15A.081; 15A.083, as amended; 43.062, Subdivision 3; and 43.067; and Chapter 43, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

Mr. Gearty moved to amend S. F. No. 1963 as follows:

Page 7, line 10, strike "20" and insert "120"

Page 11, after line 1, insert:

"Sec. 2. [EFFECTIVE DATE.] *This act is effective July 1, 1976.*"

The motion prevailed. So the amendment was adopted.

Mr. McCutcheon moved to amend S. F. No. 1963 as follows:

Page 6, strike lines 4 and 5

Page 6, line 6, strike "*reporting to the board.*"

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

Mr. Nelson moved to amend S. F. No. 1963 as follows:

Page 10, after line 29, insert:

### "Article IV

Section 1. Minnesota Statutes 1974, Section 471.705, Subdivision 1, is amended to read:

471.705 [MEETINGS OF GOVERNING BODIES; OPEN TO PUBLIC.] Subdivision 1. Except as otherwise expressly provided by statute, all meetings, including executive sessions, of *the house of representatives, the senate*, any state agency, board, commission or department when required or permitted by law to transact public business in a meeting, and the governing body of any school district however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, department or commission thereof, shall

be open to the public, except meetings of the board of pardons, the Minnesota corrections authority. The votes of the members of the house of representatives, the senate, such state agency, board, commission or department or of such governing body, committee, subcommittee, board, department or commission on any action taken in a meeting herein required to be open to the public shall be recorded in a journal kept for that purpose, which journal shall be open to the public during all normal business hours where such records are kept. The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute. This section shall not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary proceedings."

Renumber the remaining article

Amend the title as follows:

Line 8, after "board;" insert "extending the open meeting law to the legislature;"

Line 11, after "43.067;" insert "471.705, Subdivision 1;"

The question being taken on the adoption of the amendment,

Mr. Nelson moved that those not voting be excused from voting. The motion did not prevail.

Mr. Gearty moved that those not voting be excused from voting. The motion prevailed.

And the roll being called, there were yeas 32 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Doty	Josefson	North	Sillers
Bang	Dunn	Keefe, J.	Ogdahl	Spear
Berg	Fitzsimons	Kirchner	Olson, J. L.	Stassen
Bernhagen	Frederick	Knutson	O'Neill	Ueland
Blatz	Hansen, Mel	Kowalczyk	Patton	
Brataas	Hanson, R.	Larson	Pillsbury	
Brown	Jensen	Nelson	Renneke	

Those who voted in the negative were:

Anderson	Gearty	McCuscheon	Purfeerst	Tennessen
Arnold	Hansen, Baldy	Merriam	Schaaf	Wegener
Chenoweth	Hughes	Moe	Schmitz	Willet
Chmielewski	Humphrey	Olhoft	Schrom	
Coleman	Keefe, S.	Olson, A. G.	Solon	
Conzemius	Kleinbaum	Olson, H. D.	Stokowski	
Davies	Laufenburger	Perpich, A. J.	Stumpf	

The motion prevailed. So the amendment was adopted.

Mr. Schaaf moved to amend S. F. No. 1963 as follows:

Page 10, after line 29, insert:

*"Article IV*

Section 1. Minnesota Statutes, 1975 Supplement, Section 3.102, is amended to read:

3.102 [MEMBERS; EXPENSES.] Each member of the legislature shall be reimbursed for expenses incurred while engaged in official legislative business when the legislature is not in session during his term of office. The amount of each reimbursement shall not exceed \$33 per day as a per diem expense allowance for all expenses incurred except travel and lodging. The member shall also be reimbursed for travel and lodging. Reimbursement for expenses shall be in the same manner and amount as for state employees; provided, that a member of the legislature who, because of travel inconvenience, elects to reside in the vicinity of the capitol during a legislative session, shall also be reimbursed for vouchered lodging expenses incurred during the session. The vouchered lodging expenses shall not exceed \$25 a day and shall be subject to limitations prescribed by the committee on rules and administration for members of the senate, and the committee on rules and legislative administration for members of the house.

Expenses for members of the legislature are payable in the manner and in the amount designated by the senate committee on rules and administration as to members of the senate and by the committee on rules and legislative administration as to members of the house of representatives.

The expense allowances provided for herein to the persons designated are in lieu of any other expenses authorized by law or resolution for the same purposes."

Renumber the articles in sequence

Page 10, line 31, after ".]" insert "Subdivision 1."

Page 11, after line 1, insert:

*"Subd. 2. Minnesota Statutes 1974, Sections 3.101 and 3.103 are repealed."*

Page 11, after line 1, insert:

*"Sec. 2. Article IV and Article V, Section 1, Subdivision 2, are effective January 4, 1977."*

Amend the title as follows:

Line 6, after the semicolon, insert "removing per diems and providing expenses for legislators;"

Line 12, strike "Section" and insert "Sections 3.102; and"

Line 14, after "Sections" insert "3.101; 3.103;"

Mr. Dunn moved to amend the Schaaf amendment to S. F. No. 1963 as follows:

Page 1, line 6, after the period insert:

*"During times other than a legislative session, this expense reimburse-*

*ment shall only be available for attendance at a meeting of a standing or interim legislative committee or commission."*

The question being taken on the adoption of the Dunn amendment to the Schaaf amendment,

And the roll being called, there were yeas 52 and nays 4, as follows:

Those who voted in the affirmative were:

Arnold	Davies	Keefe, J.	Olson, A. G.	Solon
Ashbach	Doty	Kirchner	Olson, J. L.	Spear
Bang	Dunn	Kleinbaum	O'Neill	Stassen
Berg	Fitzsimons	Knutson	Patton	Stokowski
Bernhagen	Frederick	Kowalczyk	Perpich, A. J.	Stumpf
Blatz	Gearty	Larson	Pillsbury	Tennessee
Brataas	Hansen, Mel	Laufenburger	Purfeerst	Ueland
Brown	Hanson, R.	McCutcheon	Renneke	Willet
Chmielewski	Humphrey	Moe	Schaaf	
Coleman	Jensen	Nelson	Schmitz	
Conzemius	Josefson	Ogdahl	Sillers	

Messrs. Chenoweth; Keefe, S.; Merriam and North voted in the negative.

The motion prevailed. So the amendment to the amendment was adopted.

The question being taken on the adoption of the Schaaf amendment, as amended,

And the roll being called, there were yeas 23 and nays 42, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Hansen, Mel	McCutcheon	Stokowski
Bang	Brown	Josefson	Milton	Ueland
Berg	Chenoweth	Keefe, J.	Pillsbury	Willet
Bernhagen	Dunn	Kirchner	Schaaf	
Blatz	Frederick	Knutson	Stassen	

Those who voted in the negative were:

Anderson	Hansen, Baldy	Laufenburger	Olson, H. D.	Sillers
Arnold	Hanson, R.	Lewis	Olson, J. L.	Solon
Chmielewski	Hughes	Merriam	O'Neill	Spear
Coleman	Humphrey	Moe	Patton	Stumpf
Conzemius	Jensen	Nelson	Perpich, A. J.	Tennessee
Davies	Keefe, S.	North	Purfeerst	Wegener
Doty	Kleinbaum	Ogdahl	Renneke	
Fitzsimons	Kowalczyk	Olhoff	Schmitz	
Gearty	Larson	Olson, A. G.	Schrom	

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

Mr. Coleman moved to amend S. F. No. 1963 as follows:

Page 9, line 2, strike "36,000" and insert "37,500"

Page 9, line 25, strike "\$32,000" and insert "\$35,000"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 39 and nays 25, as follows:

Those who voted in the affirmative were:

Arnold	Frederick	Kleinbaum	O'Neill	Solon
Ashbach	Gearty	Knutson	Patton	Spear
Blatz	Hansen, Mel	Larson	Perpich, A. J.	Stassen
Brataas	Hughes	Laufenburger	Pillsbury	Stokowski
Coleman	Humphrey	Lewis	Purfeerst	Tennessee
Davies	Jensen	Nelson	Schaaf	Ueland
Doty	Keefe, J.	Ogdahl	Schmitz	Wegener
Fitzsimons	Keefe, S.	Olson, H. D.	Sillers	

Those who voted in the negative were:

Anderson	Chenoweth	Hanson, R.	Milton	Olson, J. L.
Bang	Chmielewski	Josefson	Moe	Renneke
Berg	Conzemius	Kirchner	North	Schrom
Bernhagen	Dunn	Kowalczyk	Olhoft	Stumpf
Brown	Hansen, Baldy	Merriam	Olson, A. G.	Willet

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend S. F. No. 1963 as follows:

Page 10, after line 30, insert:

*"Section 1. No employee of the legislature shall be compensated at a rate greater than that of a legislator."*

Renumber the remaining sections in sequence

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 4 and nays 61, as follows:

Messrs. Chmielewski; Olson, A. G.; Schrom and Willet voted in the affirmative.

Those who voted in the negative were:

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

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

Mr. Berg moved to amend S. F. No. 1963 as follows:

Page 2, line 3, strike "30,000" and insert "34,000"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 18 and nays 39, as follows:



Those who voted in the affirmative were:

Anderson	Fitzsimons	Laufenburger	Patton	Ueland
Berg	Frederick	Nelson	Renneke	Wegener
Bernhagen	Hanson, R.	Olson, H. D.	Schaaf	
Dunn	Josefson	Olson, J. L.	Schmitz	

Those who voted in the negative were:

Arnold	Doty	Kleinbaum	Moe	Schrom
Brataas	Gearty	Knutson	North	Spear
Brown	Hansen, Baldy	Kowalczyk	Ogdahl	Stassen
Chenoweth	Hughes	Larson	Olhoft	Stokowski
Chmielewski	Humphrey	Lewis	Olson, A. G.	Stumpf
Coleman	Keefe, J.	McCutcheon	O'Neill	Tennessen
Conzemius	Keefe, S.	Merriam	Perpich, A. J.	Willet
Davies	Kirchner	Milton	Pillsbury	

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

Mr. Keefe, J. moved to amend S. F. No. 1963 as follows:

Pages 1 to 5, strike sections 1 and 2 of Article I

Re-number the sections in sequence

Amend the title as follows:

Line 3, strike "certain executive branch"

Line 4, strike "employees,"

Line 10, strike "43.062, Subdivision 3;"

Line 11, strike the second "and"

Strike line 12

Line 13, strike "15A.081, Subdivision 1;"

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 7 and nays 49, as follows:

Those who voted in the affirmative were:

Dunn	Keefe, J.	Kowalczyk	Merriam	Stassen
Hanson, R.	Knutson			

Those who voted in the negative were:

Anderson	Davies	Kirchner	Ogdahl	Schmitz
Arnold	Doty	Kleinbaum	Olhoft	Schrom
Berg	Fitzsimons	Larson	Olson, H. D.	Solon
Bernhagen	Gearty	Laufenburger	Olson, J. L.	Spear
Borden	Hansen, Baldy	Lewis	O'Neill	Stokowski
Brown	Hansen, Mel	McCutcheon	Perpich, A. J.	Stumpf
Chenoweth	Hughes	Milton	Pillsbury	Tennessen
Chmielewski	Humphrey	Moe	Purfeerst	Wegener
Coleman	Jensen	Nelson	Renneke	Willet
Conzemius	Keefe, S.	North	Schaaf	

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

S. F. No. 1963: A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, judges and judicial branch employees; limiting possible increases for certain executive branch employees; requiring political subdivisions of the state to report certain salaries; providing for a report by the personnel board; extending the open meeting law to the legislature; amending Minnesota Statutes 1974, Sections 15A.081; 15A.083, as amended; 43.062, Subdivision 3; and 43.067; 471.705, Subdivision 1; and Chapter 43, by adding a section; and Minnesota Statutes, 1975 Supplement, Section 15A.081, Subdivision 1; repealing Minnesota Statutes 1974, Sections 15A.081, Subdivisions 1a and 4; 43.066; 43.069; and 487.05.

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

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

And the roll being called, there were yeas 39 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Doty	Keefe, S.	Nelson	Solon
Arnold	Fitzsimons	Kirchner	Ogdahl	Spear
Ashbach	Gearty	Kleinbaum	Olson, H. D.	Stassen
Blatz	Hansen, Mel	Knutson	Olson, J. L.	Stokowski
Brataas	Hughes	Kowalczyk	O'Neill	Tennessen
Chenoweth	Humphrey	Larson	Perpich, A. J.	Ueland
Coleman	Jensen	Laufenburger	Pillsbury	Wegener
Davies	Keefe, J.	Lewis	Schmitz	

Those who voted in the negative were:

Bang	Chmielewski	Hanson, R.	North	Renneke
Berg	Conzemius	McCutcheon	Olhoft	Schaaf
Bernhagen	Dunn	Merriam	Olson, A. G.	Schrom
Borden	Frederick	Milton	Patton	Stumpf
Brown	Hansen, Baldy	Moe	Purfeerst	Willet

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 9:00 o'clock a.m., Wednesday, March 24, 1976. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate