

ONE HUNDRED FIRST DAY

St. Paul, Minnesota, Tuesday, March 30, 1976

The Senate met at 12:00 o'clock noon 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 | Olson, A. G. | Schmitz |
| Arnold | Doty | Keefe, S. | Olson, J. L. | Solon |
| Berg | Fitzsimons | Larson | Patton | Spear |
| Bernhagen | Gearty | Laufenburger | Perpich, A. J. | Stumpf |
| Borden | Hansen, Baldy | McCutcheon | Perpich, G. | Tennessen |
| Chmielewski | Hansen, Mel | Milton | Pillsbury | Ueland |
| Coleman | Hanson, R. | Nelson | Purfeerst | Willet |
| Conzemius | Hughes | Olhoff | Schaaf | |

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

Prayer was offered by the Chaplain, Rev. Terrance W. Berntson.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused for a Conference Committee on H. F. No. 500:

Messrs. Humphrey; Borden; McCutcheon; Hanson, R. and Bernhagen. The motion prevailed.

PETITIONS, LETTERS AND REMONSTRANCES

Messrs. Tennesen and Merriam introduced—

A Senate remonstrance relating to local government in the Town of White.

Referred to the Committee on Local Government.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Pillsbury, by request, introduced—

S. F. No. 2593: A bill for an act relating to taxation; giving uniform property tax treatment to family dwelling units without regard to the homestead intentions of their owners or occupants; amending Minnesota Statutes 1974, Sections 273.13, Subdivisions 7b, 7c, 11, 18, and 19; and 273.133; Minnesota Statutes, 1975 Supplement, Section 273.13, Subdivisions 6, 7, and 16; repealing Minnesota Statutes 1974, Section 273.13, Subdivisions 10 and 12.

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 File, herewith returned: S. F. No. 1997.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1740, and repassed said bill in accordance with the report of the Committee, so adopted.

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; authorizing counties to conduct manpower programs and services.

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 1383, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 1383: A bill for an act relating to metropolitan government; regulating waste; providing for a levy; amending Minnesota Statutes 1974, Chapter 473, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivisions 27, 29, 31, and by adding subdivisions; 473.149, Subdivision 1, and by adding subdivisions; 473.249, Subdivision 1; 473.801, Subdivision 2, and by adding a subdivision; 473.802; 473.803; 473.811; and 473.823; repealing Minnesota Statutes, 1975 Supplement, Sections 473.121, Subdivision 30; 473.149, Subdivision 2; 473.815; and 473.821.

Senate File No. 1383 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 499, and repassed said bill in accordance with the report of the Committee, so adopted.

S. F. No. 499: A bill for an act relating to insurance; authorizing an insurer to refuse to renew an automobile insurance policy under certain circumstances; amending Minnesota Statutes 1974, Section 65B.17.

Senate File No. 499 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 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. 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.

Senate File No. 1963 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. Gearty moved that the Senate do not concur in the amendments by the House to S. F. No. 1963 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 354: A bill for an act relating to drivers' licenses; providing a new category of alcohol-related offenses; aggravated violations for driving after cancellation, suspension or revocation; providing a penalty; amending Minnesota Statutes 1974, Chapter 171, by adding a section.

Senate File No. 354 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Hughes moved that the Senate concur in the amendments by the House to S. F. No. 354 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 354 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 47 and nays 12, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-------------|--------------|----------------|-----------|
| Anderson | Davies | Laufenburger | Olson, J. L. | Solon |
| Arnold | Doty | Lewis | Patton | Spear |
| Bang | Dunn | Merriam | Perpich, A. J. | Stassen |
| Berg | Gearty | Milton | Perpich G. | Stokowski |
| Brataas | Hansen, Mel | Moe | Pillsbury | Stumpf |
| Brown | Hughes | Nelson | Purfeerst | Tennesen |
| Chenoweth | Keefe, J. | North | Renneke | Willet |
| Chmielewski | Keefe, S. | Ogdahl | Schaaf | |
| Coleman | Kleinbaum | Olhoff | Schmitz | |
| Conzemius | Kowalczyk | Olson, A. G. | Sillers | |

Those who voted in the negative were:

| | | | | |
|-----------|---------------|---------|--------------|--------|
| Ashbach | Hansen, Baldy | Knutson | Olson, H. D. | Schrom |
| Blatz | Jensen | Larson | O'Neill | Ueland |
| Frederick | Josefson | | | |

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. 360: A bill for an act relating to education; directing the higher education coordinating commission to sponsor a quarterly meeting for representatives of certain boards and agencies dealing with higher education; amending Minnesota Statutes 1974, Chapter 136A, by adding a section.

Senate File No. 360 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Hughes moved that the Senate concur in the amendments by the House to S. F. No. 360 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 360: A bill for an act relating to education; directing the higher education coordinating board to sponsor an annual meeting for member representatives of certain boards and agencies dealing with higher education; amending Minnesota Statutes 1974, Chapter 136A, by adding a section.

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

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

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

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce 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. 1764: A bill for an act relating to safe deposit companies; exempting savings associations from licensing and bonding requirements; deleting a limitation on examination fees; amending Minnesota Statutes 1974, Sections 55.06, Subdivision 1; and 55.095.

Senate File No. 1764 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. Spear moved that the Senate do not concur in the amendments by the House to S. F. No. 1764 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 2208: A bill for an act relating to courts; changing the status of the Hennepin county juvenile court judge; providing for continuous district court terms in all counties; providing that retired district court judges be reimbursed for expenses incurred while acting as district judges; authorizing additional power to judges of county court; requiring certain distributions of Minnesota Statutes and Session Laws; amending Minnesota Statutes 1974, Sections 260.021, Subdivision 2; 484.08; 484.09, as amended; 484.11; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.62; 648.39, Subdivision 1; and Chapter 487, by adding a section; repealing Minnesota Statutes 1974, Sections 260.021, Subdivision 3; and 490.025, Subdivision 8.

Senate File No. 2208 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. Tennesen moved that the Senate do not concur in the amendments by the House to S. F. No. 2208 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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 525, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 525: A bill for an act relating to state government; creating a department of transportation; prescribing its duties and responsibilities; transferring the functions of some state departments; appropriating money; amending Minnesota Statutes 1974, Sections 43.09, Subdivision 2a; and 360.017, Subdivision 1; repealing Minnesota Statutes 1974, Section 4.20; 161.03; and 360.014.

House File No. 525 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 29, 1976

Mr. Laufenburger moved that H. F. No. 525 and the Conference Committee Report thereon 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. 2232: A bill for an act relating to optometric services; providing for inclusion of optometric services in benefits for expenses incurred for medical treatment or services; amending Minnesota Statutes 1974, Section 62A.15, Subdivision 1, and by adding a subdivision.

Senate File No. 2232 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Laufenburger moved that the Senate concur in the amendments by the House to S. F. No. 2232 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2232 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 2014: A bill for an act relating to retirement; increasing certain benefits and annuities; appropriating money.

Senate File No. 2014 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. Chenoweth moved that the Senate do not concur in the amendments by the House to S. F. No. 2014 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 that the House has adopted the recommendation and report of the Conference Committee on House File No. 1382, and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 1382: A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; and 65B.47, Subdivisions 1 and 2; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.

House File No. 1382 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 29, 1976

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1382

A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; and 65B.47, Subdivisions 1 and 2; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.

March 25, 1976

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

The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 1382 report that

we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

"Section 1. In order to conserve energy and to alleviate traffic congestion in and about the location of state offices, the commissioner of administration shall, in cooperation with the director of the Minnesota energy agency, the commissioner of highways and interested nonprofit agencies, establish and operate an employee transportation program utilizing commuter vans with a capacity of not less than seven nor more than 16 passengers. The commissioner shall acquire or lease commuter vans, or otherwise contract for the provision of commuter vans, and shall make the vans available for the use of state employees in a manner consistent with standards and procedures adopted by the commissioner. Standards and procedures adopted pursuant to this section shall not be subject to chapter 15. Commuter vans may be used by state employees to travel between their homes and their work locations, and for personal purposes after working hours, not including partisan political activity. The commissioner shall provide in his standards and procedures for the recovery by the state of vehicle acquisition, lease, operation and insurance costs through efficient and convenient assignment of vans, and for the billing of costs and collection of fees. A state employee using a van for personal use shall pay, pursuant to the standards and procedures adopted by the commissioner, for operating and routine maintenance costs incurred as a result of the personal use. The commissioner shall promote the maximum practicable participation of state employees in the use of the vans. Fees collected pursuant to this section shall be deposited in the accounts from which the costs of operating, maintaining and leasing or amortizing acquisition costs for the specific vehicle are paid.

Sec. 2. Use of the vans shall be limited to areas not having adequate public transportation between the residences of state employees and their places of employment. During the first year, the van program shall be implemented both in the seven-county metropolitan area and in one other region of the state.

Sec. 3. The program shall be evaluated after its first year of operation, and the commissioner of administration shall at that time recommend to the legislature whether the program should be expanded or discontinued. The commissioner shall at least semi-annually inform the metropolitan council and the capitol area architectural and planning board on the operation of the program.

Sec. 4. Notwithstanding section 15.31 or any other law to the contrary, the commissioner of administration may purchase, pursuant to chapter 16, collision insurance coverage for the commuter vans. Notwithstanding sections 16.75, subdivision 7, and 168.012, the vans shall not be marked. The vans shall not be equipped with tax-exempt motor vehicle number plates.

Sec. 5. Minnesota Statutes 1974, Section 16.85, Subdivision 1, is amended to read:

16.85 [GENERAL POWERS OF COMMISSIONER, STATE BUILDING CODE.] Subdivision 1. Subject to the provisions of Laws 1971, Chapter 561 sections 16.83 to 16.867, the commissioner shall ~~prepare and publish by rule establish~~ a code of ~~rules, regulations, and standards~~ for the construction, reconstruction, alteration, and repair of state-owned buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety. The commissioner may amend ~~such the~~ code from time to time as provided in Laws 1971, Chapter 561 sections 16.83 to 16.867. The code and any amendment thereof shall conform insofar as practicable to model building codes generally accepted and in use throughout the United States. In the preparation of the code consideration shall be given to the existing state-wide specialty codes presently in use in the state of Minnesota. Such model codes with modifications as may be deemed necessary and state-wide specialty codes may be adopted by reference. The code so promulgated and any amendments thereof shall be based on the application of scientific principles, approved tests, and professional judgment; and to the extent that it is practical so to do the code shall be promulgated in terms of desired results instead of the means of achieving such results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code shall encourage the use of new methods and new materials.

The code shall require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

Sec. 6. Minnesota Statutes, 1975 Supplement, Section 65B.43, Subdivision 12, is amended to read:

Subd. 12. "Commercial vehicle" means:

- (a) any motor vehicle used as a common carrier,
- (b) any motor vehicle, other than a passenger vehicle or a station wagon, as those terms are defined in section 168.011, subdivisions 7 and 23, which has a curb weight in excess of 5500 pounds apart from cargo capacity, or
- (c) any motor vehicle while used in the for-hire transportation of property.

Commercial vehicle does not include a "commuter van", which for purposes of chapter 65B shall mean a motor vehicle having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for his principal occupation but is driving it only to or from his principal place of employment,

to or from a transit stop authorized by a local transit authority or for personal use as permitted by the owner of the vehicle.

Sec. 7. Minnesota Statutes 1974, Section 65B.47, Subdivision 1, is amended to read:

65B.47 [PRIORITY OF APPLICABILITY OF SECURITY FOR PAYMENT OF BASIC ECONOMIC LOSS BENEFITS.]
Subdivision 1. In case of injury to the driver or other occupant of a motor vehicle *other than a commuter van*, if the accident causing the injury occurs while the vehicle is being used in the business of transporting persons or property, the security for payment of basic economic loss benefits is the security covering the vehicle or, if none, the security under which the injured person is an insured.

Sec. 8. Minnesota Statutes 1974, Section 65B.47, Subdivision 2, is amended to read:

Subd. 2. In case of injury to an employee, or to his spouse or other relative residing in the same household, if the accident causing the injury occurs while the injured person is driving or occupying a motor vehicle *other than a commuter van* furnished by the employer, the security for payment of basic economic loss benefits is the security covering the vehicle or, if none, the security under which the injured person is an insured.

Sec. 9. Minnesota Statutes, 1975 Supplement, Section 221.011, Subdivision 22, is amended to read:

Subd. 22. "Exempt carrier" means any carrier exempt from chapter 221, or from any other law or regulation by the public service commission. The following are so exempt:

(a) Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a 25 mile radius from his home postoffice. Such carrier may transport other commodities within such area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint his name and address in prominent visible letters on the outside of the cab of his truck.

(b) Any occasional accommodation service beyond the 25 mile radius from his home postoffice by any person engaged in farming as his primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of section 168.013, subdivision 1, paragraph 4a. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

(c) Any person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, or any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, or potatoes, sugar beets, wild rice and rutabagas from the field of production to the first

place of delivery or unloading, including but not limited to a processing plant, warehouse or railroad siding. This term shall also apply to a manufacturer, producer, dealer or distributor who, in the pursuit of his own business, owns and uses trucks for the purpose of transporting his own products, and shall apply to any person while engaged exclusively in the transportation of pulpwood, cord wood, mining timber, poles, posts, decorative evergreens, wood chips, sawdust, shavings and bark from the place where the products are produced to the point where they are to be used or shipped.

(d) Any person while exclusively engaged in the transportation of dirt and sod within an area having a 50 mile radius from his home postoffice.

(e) Any person while exclusively engaged in the transportation of sand or gravel, bituminous asphalt mix and crushed rock to or from the point of loading or a place of gathering within an area having a 50 mile radius from his home postoffice or a 50 mile radius from the site of construction or maintenance of public roads and streets.

(f) Any person engaged in the transportation of household goods for the federal government or any agency thereof or the transportation of household goods for the state government or any agency thereof, where competitive bids are required by law shall be exempt from the provisions of section 221.161.

(g) Any person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or between contiguous cities.

(h) Emergency vehicles such as ambulances, tow trucks, and hearses when carrying proper and legal warning devices.

(i) Any person engaged in delivery or spreading of agricultural lime.

(j) Any person engaged in transporting rubbish as defined in section 443.27.

(k) Any person engaged in the transportation of grain samples under such terms and conditions as the department may prescribe.

(l) *A motor vehicle, in chapter 221 referred to as a "commuter van," having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons for a fee to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for his principal occupation but is driving it only to or from his principal place of employment, to or from a transit stop authorized by a local transit authority, or for personal use at other times by an authorized driver; provided, that commuter vans shall not be exempt from any provision of chapter 221 which by its terms explicitly applies to these vehicles.*

Sec. 10. Minnesota Statutes 1974, Chapter 221, is amended by adding a section to read:

[221.71] [COMMUTER VANS; DRIVER LIABILITY.] *Subdivision 1. Notwithstanding any other law to the contrary, the services performed by a driver of a commuter van shall be deemed to be those of an independent contractor and not those of an employee acting within his scope of employment, unless provided in writing to the contrary.*

Subd. 2. A driver or owner of a commuter van shall not be held to the standard of care applicable to drivers or owners of common carriers, nor shall they be subject to ordinances or regulations which relate exclusively to the regulation of drivers or owners of automobiles for hire or other common carriers or public transit carriers.

Sec. 11. Minnesota Statutes 1974, Section 290.08, is amended by adding a subdivision to read:

Subd. 23. [COMMUTER VAN USE.] Gross income shall not include benefits derived by a driver from the personal use of a commuter van owned by a person other than the driver. For purposes of this subdivision, commuter van shall mean a motor vehicle having a capacity of seven to 16 persons which is used principally to provide prearranged transportation of persons to or from their place of employment or to or from a transit stop authorized by a local transit authority which vehicle is to be operated by a person who does not drive the vehicle for his principal occupation but is driving it only to or from his principal place of employment, to or from a transit stop authorized by a local transit commission, or for personal use when authorized by the owner. The exemption shall not apply to monetary compensation received by a person in return for his services in driving the van.

Sec. 12. *The sum of \$100,000 is appropriated to the commissioner of administration from the general fund to carry out the purposes of sections 1 to 4 of this act.*

Sec. 13. Minnesota Statutes 1974, Section 16.755, is repealed.

Sec. 14. *Section 5 of this act is effective January 1, 1977, and the remainder of the act is effective the day following final enactment. Sections 1 to 4 of this act shall expire June 30, 1979."*

Further strike the title and insert:

"A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; excluding income tax liability of a driver resulting from the use of a commuter van; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; 65B.47, Subdivisions 1 and 2; and 290.08, by adding a subdivision; and Minnesota Statutes, 1975

Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Peter X. Fugina, Paul Petrafeso, Leo Adams

Senate Conferees: (Signed) Robert D. North, William G. Kirchner, Edward J. Gearty

Mr. North moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1382 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1382: A bill for an act relating to transportation; authorizing the commissioner of administration to acquire vehicles for the car pooling of state employees; removing, restricting or clarifying certain laws which discourage use of shared ride commuter vans to transport employees to and from work; providing certain incentives; excluding income tax liability of a driver resulting from the use of a commuter van; appropriating money; amending Minnesota Statutes 1974, Chapter 221, by adding a section; and Sections 16.85, Subdivision 1; 65B.47, Subdivisions 1 and 2; and 290.08, by adding a subdivision; and Minnesota Statutes, 1975 Supplement, Sections 65B.43, Subdivision 12; 221.011, Subdivision 22; repealing Minnesota Statutes 1974, Section 16.755.

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

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

And the roll being called, there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 586:

H. F. No. 586: A bill for an act relating to the housing finance agency; providing for certain powers relating to low income housing; amending Minnesota Statutes 1974, Section 462A.07, Subdivision 13.

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

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

House File No. 586 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 29, 1976

Mr. Stokowski for Mr. Humphrey moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 586, 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 that the House refuses to concur in the Senate amendments to House File No. 1333:

H. F. No. 1333: A bill for an act relating to coroners; providing for fees and traveling expenses; prohibiting interference with a dead body or the scene of death; prescribing penalties; amending Minnesota Statutes 1974, Sections 357.11; and 390.11, Subdivision 8.

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

Laidig, Menning and Stanton have been appointed as such committee on the part of the House.

House File No. 1333 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 29, 1976

Mr. Brown moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1333, 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 that the House refuses to concur in the Senate amendments to House File No. 1767:

H. F. No. 1767: A bill for an act relating to bingo; providing penalties; amending Minnesota Statutes 1974, Section 609.75, Subdivision 3; repealing Minnesota Statutes 1974, Chapter 349.

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

Fudro, Sarna and Schreiber have been appointed as such committee on the part of the House.

House File No. 1767 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 29, 1976

Mr. Stokowski moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1767, 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. 864: A bill for an act relating to hospitalization and commitment; providing for notice to and hearing on request of attending physician or next of kin of patient before discharge; amending Minnesota Statutes 1974, Section 253A.15, by adding a subdivision.

Senate File No. 864 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Hansen, Baldy moved that the Senate concur in the amendments by the House to S. F. No. 864 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 864: A bill for an act relating to hospitalization and commitment; providing for notice to and hearing on request of attending physician or next of kin of patient before discharge; amending Minnesota Statutes 1974, Section 253A.15, Subdivisions 2 and 11.

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

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

And the roll being called, there were yeas 55 and nays 7, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

| | | | | |
|-----------|---------|-------|--------|-----------|
| Conzemius | Lewis | Spear | Stumpf | Tennessen |
| Davies | Merriam | | | |

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. 1753: A bill for an act relating to financial institutions; requiring insurance for accounts in credit unions and savings associations; requiring a certificate of approval; amending Minnesota Statutes 1974, Section 51A.23 by adding subdivisions; and Chapter 52 by adding a section.

Senate File No. 1753 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Keefe, S. moved that the Senate concur in the amendments by the House to S. F. No. 1753 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1753 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 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Renneke voted in the negative.

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. 1865: A bill for an act relating to insurance; providing a countersignature commission; amending Minnesota Statutes 1974, Section 60A.17, Subdivision 3.

Senate File No. 1865 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Olson, J. L. moved that the Senate concur in the amendments by the House to S. F. No. 1865 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1865 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|--------------|----------------|-----------|
| Anderson | Doty | Kleinbaum | Olson, A. G. | Sillers |
| Arnold | Dunn | Knutson | Olson, H. D. | Solon |
| Ashbach | Fitzsimons | Kowalczyk | Olson, J. L. | Spear |
| Bang | Frederick | Larson | O'Neill | Stassen |
| Berg | Gearty | Laufenburger | Patton | Stokowski |
| Blatz | Hansen, Baldy | Lewis | Perpich, A. J. | Stumpf |
| Brataas | Hansen, Mel | Merriam | Perpich, G. | Tennessee |
| Brown | Hughes | Milton | Pillsbury | Ueland |
| Chenoweth | Jensen | Moe | Purfeerst | Wegener |
| Chmielewski | Josefson | Nelson | Renneke | Willet |
| Coleman | Keefe, J. | North | Schaaf | |
| Conzemius | Keefe, S. | Ogdahl | Schmitz | |
| Davies | Kirchner | Olhoft | 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. 1619: A bill for an act relating to intoxicating liquors; repealing certain obsolete provisions; increasing the penalty for selling or giving away poisonous liquor; amending Minnesota Statutes 1974, Sections 340.71 and 340.942; repealing Minnesota Statutes 1974, Sections 340.38; 340.70; 340.76; 340.77; 340.79; 340.80; 340.83; 340.87; 340.88; 340.89; 340.90; 340.91; 340.92; and 340.93.

Senate File No. 1619 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. Merriam moved that the Senate do not concur in the amendments by the House to S. F. No. 1619 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1788: A bill for an act relating to banks and banking; authorizing consumer banking facilities and credit union facilities; providing penalties; amending Minnesota Statutes 1974, Chapter 52, by adding a section.

Senate File No. 1788 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. Coleman for Mr. Olson, A. G. moved that the Senate do not concur in the amendments by the House to S. F. No. 1788 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 follow-

ing Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1812: A bill for an act relating to the counties of Lake of the Woods and Koochiching; authorizing each county to acquire real estate for and establish and operate a television translator system either within or without the county.

Senate File No. 1812 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Fitzsimons moved that the Senate concur in the amendments by the House to S. F. No. 1812 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1812: A bill for an act relating to the county of Lake of the Woods; authorizing the county to acquire real estate for and establish and operate a television translator system either within or without the county.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 1780: A bill for an act relating to credit unions; allowing credit unions to permit draft withdrawals by their members; amending Minnesota Statutes 1974, Section 52.04.

Senate File No. 1780 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. Davies, for Mr. Borden, moved that S. F. No. 1780 be laid on the table. The motion prevailed.

MEMBERS EXCUSED

Pursuant to Rule 21, Mr. Conzemius moved that the following members be excused for a Conference Committee on S. F. No. 60:

Messrs. Conzemius, Kowalczyk and Nelson. The motion prevailed.

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. 1841: A bill for an act relating to state agencies; providing for an open appointment process; requiring reports from appointing authorities and the secretary of state.

Senate File No. 1841 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. North moved that the Senate concur in the amendments by the House to S. F. No. 1841 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1841 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 51 and nays 1, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-------------|--------------|----------------|-----------|
| Anderson | Frederick | Lewis | Perpich, A. J. | Stassen |
| Arnold | Gearty | Merriam | Perpich, G. | Stokowski |
| Bang | Hansen, Mel | Milton | Pillsbury | Stumpf |
| Berg | Hughes | Moe | Purfeerst | Tennessen |
| Blatz | Josefson | North | Renneke | Ueland |
| Brown | Keefe, J. | Ogdahl | Schaaf | Wegener |
| Chmielewski | Keefe, S. | Olhoft | Schmitz | Willet |
| Conzemius | Kirchner | Olson, A. G. | Schrom | |
| Davies | Kleinbaum | Olson, H. D. | Sillers | |
| Doty | Knutson | Olson, J. L. | Solon | |
| Dunn | Larson | O'Neill | Spear | |

Mr. Hansen, Baldy voted in the negative.

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. 1848: A bill for an act relating to insurance; including surety bonds within the scope of the Minnesota insurance guaranty association act; amending Minnesota Statutes 1974, Sections 60C.02, Subdivisions 1 and 2; 60C.03, Subdivision 4; 60C.04; 60C.09, Subdivision 1; 60C.14, Subdivision 2.

Senate File No. 1848 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. O'Neill moved that the Senate concur in the amendments by the House to S. F. No. 1848 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1848: A bill for an act relating to insurance; including surety bonds within the scope of the Minnesota insurance guaranty association act; amending Minnesota Statutes 1974, Sections 60C.02, Subdivisions 1 and 2; 60C.03, Subdivision 4; 60C.04; 60C.05, Subdivision 1; 60C.09, Subdivision 1; 60C.14, Subdivision 2; 60C.18.

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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Bang voted in the negative.

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. 1998: A bill for an act relating to elections; requiring the county auditor to make available certain voter registration lists; amending Minnesota Statutes 1974, Section 201.091, Subdivisions 2 and 3, and by adding a subdivision.

Senate File No. 1998 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Keefe, S. moved that the Senate concur in the amendments by the House to S. F. No. 1998 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1998: A bill for an act relating to elections; requiring the county auditor to make available certain voter registration lists; amending Minnesota Statutes 1974, Section 201.091, Subdivisions 2 and 3, and by adding a subdivision; 201.081, Subdivision 2; repealing Minnesota Statutes 1974, Section 201.081, Subdivision 3.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 2056: A bill for an act relating to the city of Duluth; authorizing residential property rehabilitation loans and grants.

Senate File No. 2056 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S. F. No. 2056 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2056: A bill for an act relating to the cities of Duluth and Orr in St. Louis county; authorizing residential property rehabilitation loans and grants and authorizing the issuance of bonds for acquisition and betterment of a municipal fire hall and city hall.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 2177: A bill for an act relating to retirement; miscellaneous amendments to the public employees retirement law; providing for a medical advisor in disability cases; inclusions and exclusions under the Minnesota state retirement system; mandatory retirement age for correctional officers; miscellaneous amendments to the elective state officers retirement plan and the unclassified employees retirement plan; providing for privacy of individual retirement data; providing for release of necessary data to governmental agencies; requiring an annual

report to the legislature; excluding overtime payments for pension purposes; service credit for teachers on parental or maternity leave; elections to receive a combined service annuity; amending Minnesota Statutes 1974, Sections 352.01, Subdivisions 2A and 2B; 352C.02, Subdivisions 2, 3, and by adding a subdivision; 352C.04, Subdivisions 1 and 2a; 352C.05; 352C.09, Subdivision 1; 353.01, Subdivisions 2b, 16, and 30; 353.03, Subdivision 1, and by adding a subdivision; 353.27, Subdivision 7; 353.30, Subdivision 3; 353.33, Subdivision 11, and by adding subdivisions; 353.34, Subdivision 6; 353.35; 353.656, Subdivision 6; Chapter 352C, by adding a section; Chapter 354, by adding a section; Chapter 356, by adding sections; and Minnesota Statutes, 1975 Supplement, Sections 43.051, Subdivision 3; 352D.-02, Subdivision 1; 353.01, Subdivision 24; 353.03, Subdivision 2a; 353.15; and 353.29, Subdivision 7; and repealing Minnesota Statutes 1974, Section 352C.04, Subdivisions 2 and 2b.

Senate File No. 2177 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. Stokowski moved that the Senate do not concur in the amendments by the House to S. F. No. 2177 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 Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 2151: A bill for an act relating to motor vehicles; registration and taxation; exempting certain vehicles from license fees; amending Minnesota Statutes, 1975 Supplement, Section 168.012, Subdivision 2b.

Senate File No. 2151 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Patton moved that the Senate concur in the amendments by the House to S. F. No. 2151 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2151: A bill for an act relating to motor vehicles; registration and taxation; exempting certain vehicles from license fees; waiving the penalty for certain vehicles in storage; amending Minnesota Statutes 1974, Section 168.31, Subdivision

3; and Minnesota Statutes, 1975 Supplement, Section 168.012, Subdivision 2b.

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

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

And the roll being called, there were yeas 55 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Keefe, S. voted in the negative.

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. 2223: A bill for an act relating to the city of Albert Lea; authorizing a housing finance program; providing for the issuance of general obligation and revenue bonds to finance the program.

Senate File No. 2223 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Hansen, Baldy moved that the Senate concur in the amendments by the House to S. F. No. 2223 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2223: A bill for an act relating to local government; authorizing a housing finance program and providing for the issuance of general obligation and revenue bonds to finance the program in the city of Albert Lea; increasing the membership of and providing terms for the housing and redevelopment authority of the city of Rochester.

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 57 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|--------------|----------------|-----------|
| Anderson | Doty | Kirchner | Olson, H. D. | Solon |
| Arnold | Dunn | Kleinbaum | Olson, J. L. | Spear |
| Ashbach | Fitzsimons | Knutson | Z'atton | Stassen |
| Bang | Frederick | Larson | Perpich, A. J. | Stokowski |
| Berg | Gearty | Laufenburger | Perpich, G. | Stumpf |
| Blatz | Hansen, Baldy | Lewis | Pillsbury | Tennessee |
| Brataas | Hansen, Mel | Merriara | Purfeerst | Ueland |
| Brown | Hughes | Milton | Renneke | Wegener |
| Chenoweth | Jensen | Moe | Schaaf | Willet |
| Chmielewski | Josefson | Ogdahl | Schmitz | |
| Coleman | Keefe, J. | Olhoft | Schrom | |
| Davies | Keefe, S. | Olson, A. G. | Sillers | |

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House wishes to recall for the purpose of further consideration House File No. 2560.

H. F. No. 2560: A bill for an act relating to highway traffic regulations; prescribing the width of vehicles; amending Minnesota Statutes 1974, Section 169.80, Subdivision 2.

Edward A. Burdick, Chief Clerk, House of Representatives
March 29, 1976

Mr. Olhoft moved that H. F. No. 2560 be taken from the table. The motion prevailed.

Mr. Olhoft moved that the Senate accede to the request of the House for the recall of H. F. No. 2560 for further consideration. 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. 1552: A bill for an act relating to public welfare; pertaining to the development of community based residential care facilities for the mentally ill, mentally deficient and drug dependent through the housing finance agency; amending Minnesota Statutes 1974, Sections 462A.02, by adding a subdivision; 462A.03, Subdivision 7, and by adding subdivisions.

Senate File No. 1552 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 29, 1976

CONCURRENCE AND REPASSAGE

Mr. Perpich, G. moved that the Senate concur in the amendments by the House to S. F. No. 1552 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1552 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 551: A bill for an act relating to correctional facilities; providing for the establishment of minimum standards for facility management and physical condition; providing the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1974, Sections 241.021, Subdivision 1; and 641.26.

Senate File No. 551 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

Mr. Tennessen moved that S. F. No. 551 be laid on the table. 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. 1909:

H. F. No. 1909: A bill for an act relating to health; prohibiting sale and use of certain chemicals; providing penalties.

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

Dieterich; Johnson, D.; Erickson; Mann and Johnson, C. have been appointed as such committee on the part of the House.

House File No. 1909 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 29, 1976

Mr. Hughes for Mr. Conzemius moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1909, 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. 1865:

H. F. No. 1865: A bill for an act relating to crimes; providing increased sentences for persons convicted of certain second or subsequent violations of theft; prescribing penalties; amending Minnesota Statutes 1974, Section 609.52, Subdivision 3.

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

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

House File No. 1865 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 29, 1976

Mr. Coleman, for Mr. McCutcheon, moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1865, 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.

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

S. F. No. 1800: A bill for an act relating to unemployment compensation; providing for exclusion of certain part time services; providing for an emergency surtax in employer contributions; modifying disqualifying conditions for employment compensation; permitting information to be furnished to department of public welfare by commissioner of employment services; permitting in-

formation to be furnished to department of employment services by commissioner of revenue; providing taxation of unemployment compensation benefits in certain conditions; providing a penalty; amending Minnesota Statutes 1974, Sections 268.04, Subdivision 29; 268.06, by adding a subdivision; 268.10, Subdivision 1; 268.18, subdivision 3; 268.12, Subdivision 12; and 290.61; Minnesota Statutes, 1975 Supplement, Sections 268.04, Subdivision 12; 268.06, Subdivision 8; 268.07, Subdivision 2; 268.09, Subdivision 1; and 290.01, Subdivision 20.

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

Adams, L.; Sieben, H.; Patton; Sieloff and St. Onge.

Senate File No. 1800 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

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. 1615: A bill for an act relating to natural resources; prohibiting, except in national emergencies, certain activities in the boundary waters canoe area; prohibiting certain activities outside the boundary waters canoe area which cause degradation of a natural resource within the boundary waters canoe area.

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

Johnson, D.; Philbrook and Biersdorf.

Senate File No. 1615 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 29, 1976

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

S. F. No. 2025: A bill for an act relating to nursing homes; requiring training for certain nursing assistants; providing a penalty.

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

Carlson, L.; Swanson; Dahl; Nelsen, B. and Pehler.

Senate File No. 2025 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 29, 1976

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 4, 1105, 1570, 1821, 975, 491, 687, 1635, 1838, 2251, 1820, 1872, 1932 and 2011.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 29, 1976

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 2688.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 29, 1976

FIRST READING OF HOUSE BILLS

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

H. F. No. 2688: A resolution urging Congress and the President to establish the Solar Energy Research Institute in Minnesota.

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. Perpich, A. J. from the Committee on Taxes and Tax Laws, to which was referred

H. F. No. 2175: A bill for an act relating to taxation; altering calculation of levy limit base adjustments; amending Minnesota Statutes, 1975 Supplement, Section 275.52, Subdivision 4.

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

Mr. Perpich, A. J. from the Committee on Taxes and Tax Laws, to which was re-referred

H. F. No. 2546: A bill for an act relating to taxation; providing for certain limitations on real property valuation; amending Minnesota Statutes, 1975 Supplement, Sections 273.11, Subdivision 2 and 273.17, Subdivision 1; repealing Minnesota Statutes 1974, Section 273.11, Subdivision 4.

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

Page 2, line 10, after "district" insert "*if the market value as determined by the assessor pursuant to section 273.11, subdivision 1 exceeds by more than ten percent the limited market value established for that class of property*"

Page 2, line 29, after "district" insert "*if the market value as determined by the assessor pursuant to section 273.11, subdivision 1 exceeds by more than ten percent the limited market value established for that class of property*"

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

Mr. Perpich, A. J. from the Committee on Taxes and Tax Laws, to which was referred

H. F. No. 617: A bill for an act relating to taxation; adding certain disabled persons to those paying reduced property taxes; amending Minnesota Statutes, 1975 Supplement, Section 273.13, Subdivision 7.

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 1940 for comparison to companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

| GENERAL ORDERS | | CALENDAR OF ORDINARY MATTERS | | CALENDAR | |
|----------------|----------|---------------------------------|----------|----------|----------|
| H.F. No. | S.F. No. | H.F. No. | S.F. No. | H.F. No. | S.F. No. |
| 1940 | 2126 | | | | |

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1940 be amended as follows:

Page 1, delete line 15

Page 1, line 16, delete "by the speaker of the house shall be women."

Page 1, delete lines 21 to 23

Page 2, delete lines 1 and 2

Page 2, line 11, delete "Part of the"

Page 2, delete lines 12 to 14

Page 2, line 16, delete "the governor and"

Page 2, line 17, delete "December" and insert "November" and after "1977" insert ", and shall supplement its findings and recommendations not later than November 15, 1978"

Page 2, line 20, after "shall" insert "annually"

Page 2, line 23, delete "legislature" and insert "legislative"

Page 2, line 28, delete "\$75,500" and insert "\$95,000" and delete "for the period ending December 31, 1977"

Page 2, after line 29, insert:

"Notwithstanding Minnesota Statutes, Section 16A.28, or any other law relating to the lapse of an appropriation, the appropriation made by this section shall not lapse but shall continue until January 15, 1979."

Page 2, delete lines 30 and 31

Renumber the remaining section

Page 2, line 32, delete "[EFFECTIVE DATE.] Sections 1 and 2"

Page 3, line 1, delete "May" and insert "July" and delete "December 31," and insert "January 15, 1979."

Page 3, delete lines 2 and 3

Further amend the title as follows:

Page 1, line 2, delete "a" and insert "an advisory"

Page 1, line 4, delete "; repealing Minnesota Statutes" and insert a period

Page 1, delete line 5

And when so amended, H. F. No. 1940 will be identical to S. F. No. 2126 and further recommends that H. F. No. 1940 be given its second reading and substituted for S. F. No. 2126 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. 1940, 2175, 2546 and 617 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Olhoft introduced—

Senate Resolution No. 35: A senate resolution commending Herman Odd Fellow Hall of Fame nominee.

Referred to the Committee on Rules and Administration.

Messrs. Coleman and Ashbach introduced—

Senate Concurrent Resolution No. 13: A Senate concurrent resolution designating June 26, 1976 as Freedom Fest '76, a celebration of freedom from alcohol and drug dependency.

Referred to the Committee on Rules and Administration.

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. 471, pursuant to the request of the House:

Messrs. Tennesen, Davies and Ogdahl.

S. F. No. 2241, pursuant to the request of the Senate:

Messrs. Merriam, Dunn and Willet.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Laufenburger moved that H. F. No. 525 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 525

A bill for an act relating to state government; creating a department of transportation; prescribing its duties and responsibilities; transferring the functions of some state departments; appropriating money; amending Minnesota Statutes 1974, Sections 43.09, Subdivision 2a; and 360.017, Subdivision 1; repealing Minnesota Statutes 1974, Sections 4.20; 161.03; and 360.014.

March 25, 1976

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

The Honorable Alec G. Olson
President of the Senate

We, the undersigned conferees for H. F. No. 525 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from the Ueland amendment placed on H. F. No. 525, the unofficial engrossment, on March 11, 1976, and from the Lewis amendment placed on H. F. No. 525, the unofficial engrossment, on March 17, 1976; that the House accede to all other Senate amendments placed on H. F. No. 525; and that H. F. No. 525, the unofficial engrossment, be amended as follows:

Page 2, line 16, after "hearing" insert "unless otherwise provided for in chapter 15"

Page 2, line 28, after the period insert: "*The commissioner shall adopt an affirmative action plan for the department in order to insure that department hiring encourages the selection of members of groups of persons who because of unfair or unlawful discriminatory practices have in the past been denied equal employment opportunity. This plan need not be promulgated as a rule, but it shall be approved by the commissioner of personnel. The plan shall provide that the affected groups of persons shall constitute at least the same proportional number of employees in the department as they constitute in the total employment in state government; provided that this limitation shall expire in*"

respect to an affected group when the commissioner of personnel certifies that members of that affected group are employed in the department in the same proportion as they constitute in the total employment in state government."

Page 3, line 8, after "222" insert *"on matters which directly relate to the powers and duties of the commissioner or which substantially affect the statewide transportation plan. On all other transportation matters the commissioner may appear before the public service commission."*

Page 3, after line 31, insert

"(a) Three months after notification that the department is ready to commence operations and prior to the drafting of the statewide transportation plan the commissioner shall hold public hearings as may be appropriate solely for the purpose of receiving suggestions for future transportation alternatives and priorities for the state. The metropolitan council, regional development commissions and port authorities shall appear at the hearings and submit information concerning transportation related planning undertaken and accomplished by these agencies. Other political subdivisions may appear and submit such information at the hearings. These hearings shall be completed no later than six months from the date of the commissioner's notification;"

Page 4, line 1, before the period insert *" , taking into account the suggestions and information submitted at the public hearings held pursuant to clause (a)"*

Page 4, line 10, delete everything after *"assistance"*

Page 4, delete lines 11 to 12

Page 4, line 13, delete everything before the semicolon

Page 4, delete lines 19 to 25

Reletter the clauses accordingly

Page 5, line 7, after the period insert *" Notwithstanding the foregoing, the commissioner and the commission shall have authority to promulgate emergency rules pursuant to section 15.0412, subdivision 5, if necessary to respond to transportation emergencies which may require an immediate temporary response inconsistent with the statewide plan.*

Subd. 3. [RELATIONSHIP WITH NATIONAL AND LOCAL PLANS.] *The statewide plan shall recognize established national transportation policies. The plan shall include matters of local or regional concern if this inclusion is needed to insure a comprehensive, statewide perspective on transportation policies and priorities. The commissioner shall recognize and attempt to accommodate the local or regional transportation plans. However, the statewide plan shall supersede a local or regional plan to the extent inconsistent on a matter which the commissioner demonstrates is of statewide concern. A political subdivision may challenge the commissioner's determination that a portion of a local or regional plan is superseded by the statewide plan. The subdivision shall*

institute the challenge by filing a petition with the commissioner within 30 days after being notified by the commissioner that the local or regional plan is superseded. The challenge shall be resolved by the commissioner as a contested case pursuant to chapter 15."

Renumber the subdivisions accordingly

Page 5, strike lines 21 and 22 and insert "(d) Develop, revise and monitor a statewide rail transportation plan as part of the statewide transportation planning process, including a study and evaluation of"

Page 7, line 14, before "A" insert "Any state agency which receives an application from"

Page 7, line 18, strike "submitting an application"

Page 7, line 26, strike "forward the application" and insert "within 15 days after receipt return the application to the applicant political subdivision for forwarding"

Page 7, line 28, strike the comma and insert "and"

Page 7, line 28, strike "and approve or disapprove"

Page 7, line 30, strike "then forward" and insert "return"

Page 7, lines 31 to 32, strike "and approval or disapproval" and insert "within 45 days after receipt to the applicant political subdivision for forwarding with the commissioner's comments"

Page 8, line 11, strike "provisions of" and insert "funding procedures specified in"

Page 12, line 23, after the period insert "Nothing herein shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities."

Page 98, line 31, delete "board" and insert "commission"

Page 113, line 18, after the period insert "All allotments of money from the state airports fund for salaries and expenses shall be approved by the commissioner of finance."

Page 114, line 9, strike "organizational steering committee" and insert "advisory task force pursuant to section 15.059"

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Walter R. Hanson, James Pehler, Gerald Knickerbocker, Paul Petrafeso, David Beauchamp

Senate Conferees: (Signed) Roger Laufenburger, Robert J. Brown, David D. Schaaf, Robert D. North, Winston W. Borden

Mr. Laufenburger moved that the foregoing recommendations and Conference Committee Report on H. F. No. 525 be now adopted, and that the bill be repassed as amended by the Con-

ference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 525: A bill for an act relating to state government; creating a department of transportation; prescribing its duties and responsibilities; transferring the functions of some state departments; appropriating money; amending Minnesota Statutes 1974, Sections 43.09, Subdivision 2a; and 360.017, Subdivision 1; repealing Minnesota Statutes 1974, Sections 4.20; 161.03; and 360.014.

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

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

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

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|--------------|----------------|-----------|
| Arnold | Gearty | McCutcheon | Olson, H. D. | Spear |
| Borden | Hughes | Merriam | Perpich, A. J. | Stokowski |
| Brown | Humphrey | Milton | Perpich, G. | Stumpf |
| Chenoweth | Keefe, S. | Moe | Purfeerst | Tennessen |
| Chmielewski | Kleinbaum | North | Schaaf | Wegener |
| Coleman | Laufenburger | Ogdahl | Schrom | Willet |
| Conzemius | Lewis | Olson, A. G. | Solon | |

Those who voted in the negative were:

| | | | | |
|-----------|---------------|------------|--------------|---------|
| Anderson | Davies | Hanson, R. | Olhoft | Sillers |
| Ashbach | Doty | Jensen | Olson, J. L. | Stassen |
| Bang | Dunn | Josefson | O'Neill | Ueland |
| Berg | Fitzsimons | Keefe, J. | Patton | |
| Bernhagen | Frederick | Kirchner | Pillsbury | |
| Blatz | Hansen, Baldy | Knutson | Renneke | |
| Brataas | Hansen, Mel | Larson | Schmitz | |

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

MEMBERS EXCUSED

Pursuant to Rule 21, Mr. Anderson moved that the following members be excused for a Conference Committee on H. F. No. 1997:

Messrs. Sillers, Hughes, O'Neill, Lewis and Anderson.

The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

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 General Orders a Special Orders Calendar for immediate consideration. The motion prevailed.

SPECIAL ORDER

H. F. No. 116: A bill for an act relating to family planning services; providing for the establishment of a comprehensive state family planning services plan; appropriating funds.

Mr. Olhoft moved to amend H. F. No. 116, as amended pursuant to Rule 49, adopted by the Senate March 8, 1976, as follows:

(The text of the amended House file is identical to S. F. No. 1313.)

Page 2, line 14, after the period, insert "The board shall not allocate any state family planning funds to any community family planning service unit or organization which promotes, encourages, performs or makes referrals for voluntary termination of pregnancy, except when such voluntary termination of pregnancy is necessary to preserve the life of the mother."

The question being taken on the adoption of the amendment,

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

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

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

And the roll being called, there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|-----------|--------------|-----------|
| Arnold | Dunn | Keefe, J. | Olson, H. D. | Solon |
| Berg | Fitzsimons | Kirchner | Olson, J. L. | Stassen |
| Bernhagen | Gearty | Kleinbaum | O'Neill | Stokowski |
| Blatz | Hansen, Baldy | Knutson | Patton | Stumpf |
| Borden | Hanson, R. | Kowalczyk | Renneke | Wegener |
| Brown | Jensen | Larson | Schmitz | Willet |
| Chmielewski | Josefson | Olhoft | Schrom | |

Those who voted in the negative were:

| | | | | |
|-----------|-------------|--------------|----------------|-----------|
| Anderson | Davies | Laufenburger | North | Sillers |
| Ashbach | Doty | Lewis | Ogdahl | Spear |
| Bang | Frederick | McCutcheon | Olson, A. G. | Tennessee |
| Brataas | Hansen, Mel | Merriam | Perpich, A. J. | Ueland |
| Chenoweth | Hughes | Milton | Pillsbury | |
| Coleman | Humphrey | Moe | Purfeerst | |
| Conzemius | Keefe, S. | Nelson | Schaaf | |

The motion prevailed. So the amendment was adopted.

Mr. Willet moved to amend H. F. No. 116, as amended pursuant to Rule 49, adopted by the Senate March 8, 1976, as follows:

(The text of the amended House file is identical to S. F. No. 1313.)

Page 4, after line 10, insert:

"Subd. 4. Prior to providing any drug, medical preparation or contraceptive device to any unmarried person under the age of 17 years, every agency, entity or individual providing family planning services and receiving funds through the provisions of this act shall notify such

minor's parents or legal guardians of such action unless such minor is emancipated from the parent."

The question being taken on the adoption of the amendment,

And the roll being called, there were yeas 33 and nays 16, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|-----------|--------------|-----------|
| Arnold | Doty | Josefson | Olson, H. D. | Stassen |
| Bang | Dunn | Kirchner | Olson, J. L. | Stokowski |
| Berg | Fitzsimons | Kleinbaum | Patton | Stumpf |
| Blatz | Gearty | Knutson | Purfeerst | Wegener |
| Brown | Hansen, Baldy | Kowalczyk | Renneke | Willet |
| Chenoweth | Hansen, Mel | Larson | Schmitz | |
| Chmielewski | Jensen | Olthoft | Schrom | |

Those who voted in the negative were:

| | | | | |
|---------|-----------|--------------|----------------|-----------|
| Ashbach | Frederick | Milton | Perpich, A. J. | Spear |
| Brataas | Keefe, S. | Ogdahl | Pillsbury | Tennessen |
| Coleman | Merriam | Olson, A. G. | Schaaf | Ueland |
| Davies | | | | |

The motion prevailed. So the amendment was adopted.

H. F. No. 116 was then progressed.

MEMBERS EXCUSED

Pursuant to Rule 21, Mr. Wegener moved that the following members be excused for a Conference Committee on S. F. No. 1800:

Messrs. Wegener, Anderson, Mrs. Brataas, Messrs. Solon and Hanson, R. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED RECONSIDERATION

Having voted on the prevailing side Mr. Chmielewski moved that the votes whereby the Chmielewski Amtrak amendment and the Laufenburger license plate amendment to H. F. No. 2489 were adopted on March 29, 1976, be now reconsidered.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 32 and nays 7, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|------------|--------------|--------------|-----------|
| Arnold | Davies | Keefe, J. | Olson, A. G. | Schmitz |
| Ashbach | Dunn | Keefe, S. | Olson, H. D. | Stokowski |
| Berg | Fitzsimons | Kleinbaum | Olson, J. L. | Tennessen |
| Brown | Frederick | Laufenburger | Patton | Willet |
| Chmielewski | Humphrey | Merriam | Purfeerst | |
| Coleman | Jensen | North | Renneke | |
| Conzemius | Josefson | Olthoft | Schaaf | |

Those who voted in the negative were:

| | | | | |
|-----------|----------------|-------------|---------|--------|
| Chenoweth | Hansen, Baldy | Perpich, G. | Stassen | Stumpf |
| Doty | Perpich, A. J. | | | |

The motion prevailed. So the votes were reconsidered.

Mr. Chmielewski withdrew the Amtrak amendment.

Mr. Laufenburger withdrew the license plate amendment.

SPECIAL ORDER

H. F. No. 2489: A bill for an act relating to highway traffic regulations; special permits for oversize and overweight vehicles; authorizing an annual permit for refuse compactor vehicles and prescribing maximum loads thereon; providing a fee therefor; redefining farm trucks; amending Minnesota Statutes 1971, Section 168.011, Subdivision 17, as amended; and Minnesota Statutes 1974, Section 169.86, Subdivision 5; repealing Minnesota Statutes 1974, Section 169.831.

Mr. Chmielewski moved to amend H. F. No. 2489, as amended pursuant to Rule 49, adopted by the Senate March 17, 1976, as follows:

(The text of the amended House file is identical to S. F. No. 2398.)

Page 1, line 23, strike "\$100" and insert "\$50"

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

H. F. No. 2489 was read the third time, as amended, and placed on its final passage.

Mr. Hansen, Baldy asked unanimous consent to amend.

Mr. Chenoweth objected.

Mr. Hansen, Baldy moved that the rules of the Senate be so far suspended as to allow amendment after third reading.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 29 and nays 17, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|-----------|----------------|---------|
| Ashbach | Dunn | Keefe, S. | Nelson | Renneke |
| Bang | Frederick | Kirchner | Olhoft | Schaaf |
| Berg | Hansen, Baldy | Kleinbaum | Olson, H. D. | Schmitz |
| Brown | Hansen, Mel | Knutson | Olson, J. L. | Stassen |
| Chmielewski | Jensen | Kowalczyk | Patton | Ueland |
| Davies | Josefson | Larson | Perpich, A. J. | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|--------------|-----------|--------|
| Arnold | Doty | Milton | Pillsbury | Willet |
| Chenoweth | Humphrey | Moe | Spear | |
| Coleman | Keefe, J. | Olson, A. G. | Stumpf | |
| Conzemius | Merriam | Perpich, G. | Tennessen | |

The motion did not prevail.

MEMBERS EXCUSED

Pursuant to Rule 21, Mr. Tennessen moved that the following members be excused for a Conference Committee on H. F. No. 2204:

Messrs. Keefe, J.; McCutcheon and Tennessen. The motion prevailed.

The question being taken on the passage of H. F. No. 2489, as amended,

And the roll being called, there were yeas 41 and nays 10, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|--------------|----------------|-----------|
| Arnold | Dunn | Kleinbaum | Olson, H. D. | Schmitz |
| Ashbach | Fitzsimons | Knutson | Olson, J. L. | Stassen |
| Bang | Frederick | Kowalczyk | Patton | Stokowski |
| Berg | Gearty | Larson | Perpich, A. J. | Ueland |
| Bernhagen | Hansen, Baldy | Laufenburger | Perpich, G. | Willet |
| Blatz | Hansen, Mel | Moe | Pillsbury | |
| Brown | Humphrey | Nelson | Purfeerst | |
| Chmielewski | Jensen | Ogdahl | Renneke | |
| Conzemius | Josefson | Olson, A. G. | Schaaf | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|---------|--------|--------|
| Chenoweth | Keefe, S. | Merriam | North | Spear |
| Davies | Kirchner | Milton | Olhoft | Stumpf |

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

RECONSIDERATION

Mr. Hansen, Baldy moved that the vote whereby H. F. No. 2489 was passed by the Senate on March 30, 1976, be now reconsidered.

The question being taken on the adoption of the motion,

And the roll being called, there were yeas 30 and nays 18, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|-----------|--------------|-----------|
| Berg | Frederick | Josefson | Merriam | Purfeerst |
| Bernhagen | Gearty | Keefe, S. | Milton | Renneke |
| Blatz | Hansen, Baldy | Kirchner | Nelson | Schrom |
| Brown | Hansen, Mel | Kleinbaum | Olson, H. D. | Stassen |
| Davies | Humphrey | Knutson | Olson, J. L. | Stokowski |
| Dunn | Jensen | Kowalczyk | Patton | Ueland |

Those who voted in the negative were:

| | | | | |
|-------------|--------------|--------------|-----------|--------|
| Arnold | Coleman | North | Pillsbury | Stumpf |
| Borden | Conzemius | Olhoft | Schaaf | Willet |
| Chenoweth | Laufenburger | Olson, A. G. | Schmitz | |
| Chmielewski | Moe | Perpich, G. | Spear | |

The motion prevailed. So the vote was reconsidered.

Mr. Hansen, Baldy moved to amend H. F. No. 2489, as amended pursuant to Rule 49, adopted by the Senate March 17, 1976, as follows:

(The text of the amended House file is identical to S. F. No. 2398.)

Page 2, after line 1, insert:

"Sec. 2. [EXEMPTION OF STATE HIGHWAY PATROL FROM RESTRICTIONS ON STATE-OWNED VEHICLES.] *The provisions of Minnesota Statutes, 1975 Supplement, Section 16.753, shall not apply to any member of the state highway patrol.*

Sec. 3. Laws 1975, Chapter 204, Section 31, Subdivision 2, is amended to read:

| | | |
|-------------------------------|------------|------------|
| Subd. 2. Supplies and Expense | 10,153,390 | 10,100,716 |
|-------------------------------|------------|------------|

Of the amounts provided in subdivision 2, \$7,225,312 for the first year and \$6,848,124 for the second year are appropriated from the trunk highway fund for traffic safety programs.

Of the amounts provided in subdivision 2, \$1,862,264 for the first year and \$2,042,709 for the second year are appropriated from the highway user tax distribution fund for administration of motor vehicle laws.

Of the amount provided in subdivision 2, \$1,065,814 for the first year and \$1,209,883 for the second year is appropriated from the general fund.

The commissioner is directed to sell or otherwise dispose of two fixed wing aircraft operated by the department of public safety prior to January 1, 1976. The commissioner shall maintain not more than three helicopters in flight condition. The three units which the department is authorized to maintain shall be located in and for primary use in the seven county metropolitan area. As the number of aircraft units is reduced as herein directed, the number of highway patrol officer pilots shall be reduced accordingly and those officers reassigned to road patrol duty. Once returned to road patrol duty, highway patrol officers shall not continue to receive flight status compensation in addition to their regular salaries. All moneys received from the sale of aircraft shall be deposited as non-dedicated receipts to the trunk highway fund."

Renumber the sections in sequence

Amend the title as follows:

Line 2, after "to" insert "transportation;"

Line 6, after "therefor," insert "exempting members of highway patrol from the provisions of Minnesota Statutes, Section 16.753; repealing the requirement to dispose of fixed wing aircraft and reduce the number of highway patrol pilots;"

Line 7, after "5," insert "Laws 1975, Chapter 204, Section 31, Subdivision 2;"

Mr. Hansen, Baldy requested division of the amendment as follows:

First portion:

"Sec. 3. [EXEMPTION OF STATE HIGHWAY PATROL FROM RESTRICTIONS ON STATE-OWNED VEHICLES.] *The provisions of Minnesota Statutes, 1975 Supplement, Section 16.753, shall not apply to any member of the state highway patrol.*"

Renumber the sections in sequence

Amend the title as follows:

Line 2, after "to" insert "transportation;"

Line 6, after "therefor," insert "exempting members of highway patrol from the provisions of Minnesota Statutes, Section 16.753;"

Second portion:

Page 2, after line 1, insert:

"Sec. 2. Laws 1975, Chapter 204, Section 31, Subdivision 2, is amended to read:

Subd. 2. Supplies and Expense 10,153,390 10,100,716

Of the amounts provided in subdivision 2, \$7,225,312 for the first year and \$6,848,124 for the second year are appropriated from the trunk highway fund for traffic safety programs.

Of the amounts provided in subdivision 2, \$1,862,264 for the first year and \$2,042,709 for the second year are appropriated from the highway user tax distribution fund for administration of motor vehicle laws.

Of the amount provided in subdivision 2, \$1,065,814 for the first year and \$1,209,883 for the second year is appropriated from the general fund.

The commissioner is directed to sell or otherwise dispose of two fixed wing aircraft operated by the department of public safety prior to January 1, 1976. The commissioner shall maintain not more than three helicopters in flight condition. The three units which the department is authorized to maintain shall be located in and for primary use in the seven county metropolitan area. As the number of aircraft units is reduced as herein directed, the number of highway patrol officer pilots shall be reduced accordingly and those officers reassigned to road patrol duty. Once returned to road patrol duty, highway patrol officers shall not continue to receive flight status compensation in addition to their regular salaries. All moneys received from the sale of aircraft shall be deposited as non dedicated receipts to the trunk highway fund."

Renumber the sections in sequence

Amend the title as follows:

Line 2, after "to" insert "transportation;"

Line 6, after "therefor;" insert "repealing the requirement to dispose of fixed wing aircraft and reduce the number of highway patrol pilots;"

Line 7, after "5;" insert "Laws 1975, Chapter 204, Section 31, Subdivision 2;"

The question being taken on the adoption of the second portion of the amendment,

And the roll being called, there were yeas 31 and nays 19, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|---------------|--------------|----------------|-----------|
| Bang | Fitzsimons | Kirchner | Olhoff | Stassen |
| Berg | Frederick | Kleinbaum | Olson, H. D. | Stokowski |
| Bernhagen | Gearty | Knutson | Olson, J. L. | Ueland |
| Blatz | Hansen, Baldy | Kowalczyk | Patton | |
| Brown | Hansen, Mel | Larson | Perpich, A. J. | |
| Doty | Humphrey | Laufenburger | Renneke | |
| Dunn | Jensen | Nelson | Schram | |

Those who voted in the negative were:

| | | | | |
|-------------|-----------|---------|--------------|---------|
| Arnold | Coleman | Merriam | Olson, A. G. | Schmitz |
| Borden | Conzemius | Moe | Perpich, G. | Spear |
| Chenoweth | Davies | North | Pillsbury | Willet |
| Chmielewski | Keefe, S. | Ogdahl | Purfeerst | |

The motion prevailed. So the second portion of the amendment was adopted.

The question being taken on the first portion of the amendment,

The motion did not prevail. So the first portion of the amendment was not adopted.

Mr. Arnold moved that H. F. No. 2489 be re-referred to the Committee on Rules and Administration. The motion prevailed.

SPECIAL ORDER

H. F. No. 2374: A bill for an act relating to highway traffic regulation; requiring courts to report to the commissioner of public safety a stay of imposition of sentence granted under provisions of law relating to driving while under the influence of drugs or alcoholic beverages; amending Minnesota Statutes 1974, Section 169.121, Subdivision 6; and 609.135, Subdivision 3.

Mr. Olson, A. G. moved to amend H. F. No. 2374, as amended pursuant to Rule 49, adopted by the Senate March 19, 1976, as follows:

(The text of the amended House file is identical to S. F. No. 2165.)

Page 1, after line 21 insert:

"Sec. 2. Minnesota Statutes 1974, Section 169.121, is amended by adding a subdivision to read:

Subd. 7. Any person whose license has been revoked pursuant to section 169.124 shall not be subject to the mandatory revocation provisions of subdivisions 3 and 4 of this section.

Sec. 3. Minnesota Statutes 1974, Chapter 169, is amended by adding a section to read:

[169.124] [REPORTING OF CHEMICAL TESTS; NOTICE OF REVOCATION; HEARING.] *Subdivision 1. [CHEMICAL TEST REPORTS.] When a peace officer, as defined in section 169.123, subdivision 1, has administered a chemical test of a person's breath, other than a preliminary screening test, pursuant to section 169.133, he shall report the results of that test to the commissioner of public safety if the test result indicates a blood alcohol content of .10 percent or more by weight of alcohol. When such peace officer requests and directs the administration and interpretation of a blood or urine test pursuant to section 169.123, the person interpreting such a test at the request of the peace officer shall be fully trained in the interpretation of such tests pursuant to standards of the commissioner of public safety and shall report the results of the test to the commissioner of public safety if the test result indicates a blood alcohol content level of .10 percent or more by weight of alcohol.*

Subd. 2. [NOTICE OF REVOCATION; REQUEST FOR HEARING.] *The commissioner of public safety shall revoke for a period of six months the drivers license, permit or nonresident operating privileges of any person whose blood contains .10 percent or more by weight of alcohol upon the receipt of a record of the blood, breath or urine test administered by or at the direction of a peace officer pursuant to section 169.123. No revocation shall be made until the commissioner of public safety notifies the person by certified or registered mail of the intention to revoke and allows the person a 20 day period after the date of receiving the notice to request of the commissioner of public safety in writing, a hearing as herein provided.*

Subd. 3. [HEARING.] *The hearing shall be held as a contested case pursuant to chapter 15 and shall be held as early as practicable but not to exceed 30 days from the receipt of request for hearing, in the county where the alleged offense occurred, unless there is an agreement that the hearing be held in some other county. The commissioner or his duly authorized agent shall either sustain, rescind or modify the driver's license revocation.*

Subd. 4. [REVIEW BY DISTRICT COURT.] *Any person whose license or permit to drive, or non-resident operating privilege has been revoked may within 30 days of the notice of the determination by the commissioner or his duly authorized agent file a petition for hearing of the matter in district court in the county where the hearing pursuant to subdivision 3 was held unless there is agreement that the hearing may be held in some other county. The matter shall be heard by the court pursuant to the provisions of Minnesota Statutes, Section 171.19. Notice to other states shall be as provided in section 169.123, subdivision 8.*

Subd. 5. [LIMITED LICENSE.] *In any case where a license has been revoked under this section, the commissioner may issue a limited license to the driver. The commissioner in issuing a limited license may impose the conditions and limitations which in his judgment are necessary to the interests of the public safety and welfare including re-examination of the driver's qualifications, attendance at a driver improvement clinic, or attendance at counselling sessions. The license may be limited to the operation of particular vehicles and to particular classes and times of operation. The limited license issued by the commissioner shall clearly indicate the limitations imposed and the driver operating under a limited license shall have the license in his possession at all times when operating as a driver. In determining whether to issue a limited license, the commissioner shall consider the number and the seriousness of prior convictions and the entire driving record of the driver.*

Subd. 6. [REINSTATED LICENSE.] *If the commissioner receives notice of the driver's attendance at a driver improvement clinic, attendance at counselling sessions, or participation in treatment for an alcohol problem the commissioner may, after 60 days of the revocation period have elapsed, reinstate the driver's license for the remainder of the revocation period. The commissioner shall not reinstate a license under this subdivision to a driver who*

has had a license revoked under sections 169.121, 169.123 or this act on a prior occasion during the preceding three year period for another incident.

Sec. 4. [APPROPRIATION.] *There is appropriated from the general fund to the department of public safety the sum of \$159,300 for the purpose of this act."*

Renumber the sections in sequence.

Amend the title as follows:

Page 1, line 7 after the semicolon insert: "providing for the revocation of a driver's license or permit by the commissioner of public safety upon receipt of chemical test that person's blood contains .10 percent or more by weight of alcohol; providing procedural safeguards; providing for issuance of a limited license; providing for reinstatement of a revoked license; prescribing penalties; and appropriating money;"

Page 1, line 8 after "6" insert:

" , and by adding a subdivision"

Page 1, line 8, strike "and"

Page 1, line 9, after "3" insert:

" ; and Chapter 169, by adding a section"

The motion prevailed. So the amendment was adopted.

H. F. No. 2374 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|--------------|---------------|-----------|
| Arnold | Davies | Josefson | Olhoft | Schaaf |
| Ashbach | Doty | Keefe, S. | Olson, A. G. | Schmitz |
| Bang | Dunn | Kirchner | Olson, H. D. | Schrom |
| Berg | Fitzsimons | Kleinbaum | Olson, J. L. | Spear |
| Bernhagen | Frederick | Knutson | Patton | Stassen |
| Borden | Gearty | Kowalczyk | Perpich A. J. | Stokowski |
| Chenoweth | Hansen, Baldy | Laufenburger | Perpich, G. | Stumpf |
| Chmielewski | Hansen, Mel | Merriam | Pillsbury | Tennessen |
| Coleman | Humphrey | Milton | Purfeerst | Ueland |
| Conzemius | Jensen | Moe | Renneke | Willet |

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

RECESS

Mr. Coleman moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

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. 586, pursuant to the request of the House:

Messrs. Humphrey, Stumpf and Ogdahl.

H. F. No. 1333, pursuant to the request of the House:

Messrs. Brown, Schmitz and Patton.

H. F. No. 1767, pursuant to the request of the House:

Messrs. Stokowski, Moe and Stassen.

S. F. No. 1963, pursuant to the request of the Senate:

Messrs. Gearty, McCutcheon and Hansen, Mel.

S. F. No. 2014, pursuant to the request of the Senate:

Messrs. Chenoweth, Ogdahl and Stokowski.

S. F. No. 1788, pursuant to the request of the Senate:

Messrs. Olson, A. G.; Kowalczyk and Kleinbaum.

S. F. No. 1764, pursuant to the request of the Senate:

Messrs. Spear, Kowalczyk and Merriam.

S. F. No. 2177, pursuant to the request of the Senate:

Messrs. Stokowski, Chenoweth and Ogdahl.

H. F. No. 1865, pursuant to the request of the House:

Messrs. McCutcheon, Nelson and Davies.

H. F. No. 1909, pursuant to the request of the House:

Messrs. Conzemius, Olhoft, Spear, Dunn and Sillers.

S. F. No. 2581, pursuant to the request of the Senate:

Messrs. Arnold, Anderson, Davies, Fitzsimons and Josefson.

S. F. No. 2208, pursuant to the request of the Senate:

Messrs. Tennessen, Doty and Sillers.

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

MEMBERS EXCUSED

Pursuant to Rule 21, Mr. McCutcheon moved that the following members be excused for a Conference Committee on H. F. No. 1865:

Messrs. Davies, McCutcheon and Nelson. The motion prevailed.

SPECIAL ORDER

H. F. No. 2007: A bill for an act relating to the city of Wayzata; volunteer firemen's service pensions; amending Laws 1973, Chapter 472, Section 1.

Mr. Pillsbury moved to amend H. F. No. 2007 as follows:

Page 2, line 5, after "Sec. 2." insert "*Section 1 of*"

Page 2, after line 7, insert:

Sec. 4. [MAPLE GROVE, CITY OF; REFUNDING IMPROVEMENT BONDS.] *The city of Maple Grove is authorized to issue refunding temporary improvement bonds for the purpose of paying and refunding at maturity, the principal amount of any of its temporary improvement bonds issued during the years 1973, 1974 and 1975 in accordance with Minnesota Statutes, Section 429.091, Subdivision 3, to the extent that such principal amount cannot be paid out of the assessments and taxes, if any, levied for its payment and theretofore collected, or out of other funds determined by the city council to be available. The refunding temporary improvement bonds may be authorized to be issued by resolution of the council whenever it is deemed necessary and expedient to do so. The terms of their sale and issuance and the rights of the holders thereof shall be the same as is provided by section 429.091, Subdivision 3, with respect to the temporary improvement bonds. No holder of any temporary improvement bond of such city, outstanding the date this act becomes effective, shall be required to accept in payment or in exchange therefor any refunding temporary improvement bond issued hereinunder.*

Sec. 4. *Section 4 of this act shall be effective only after its approval by a resolution adopted by a favorable vote of a majority of the members of the council of the city of Maple Grove, and upon compliance with Minnesota Statutes, Section 645.021."*

Further amend the title as follows:

Page 1, line 2, after the word "to" insert "local government;"

Page 1, line 3, after the semicolon insert "the city of Maple Grove; authorizing the city of Maple Grove to refund certain temporary improvement bonds;"

The motion prevailed. So the amendment was adopted.

Mr. Brown moved to amend H. F. No. 2007 as follows:

Page 2, after line 4, insert:

"Sec. 2. [CITY OF NEWPORT; FIREMEN'S SERVICE PENSIONS.] *Subdivision 1. The volunteer firemen's relief association of the city of Newport may pay firemen's service pensions in excess of the amounts authorized by Minnesota Statutes, Section 69.06, but not in excess of \$80 per month, except as authorized by subdivision 2, to each of its members who has retired or shall hereafter retire, who has reached or shall hereafter reach the age of 50 years and who has done or hereafter shall do active duty for 20 years or more as a member of the Newport volunteer fire department, and who has been or shall hereafter be a member of the Newport volunteer firemen's relief association for at least ten years prior to such retirement and who complies with such additional conditions as to age, service and membership as may be prescribed by the articles of incorporation or bylaws of the association.*

Subd. 2. The amount of monthly pension which may be paid to such retired firemen may be increased by adding to the maximum above prescribed an amount not exceeding \$4 per month for each year of active duty over 20 years of service before retirement; provided that no member shall be paid a pension in any greater amount than \$90 per month.

Subd. 3. The volunteer fire department relief association may provide in its certificate of incorporation or bylaws for a service pension in an amount not exceeding \$450 per year of service, and not exceeding 30 years of service, to be paid in a lump sum where the retiring member qualifies for a service pension under the provisions of this section, and the member elects by written application to the association to take the payment in a lump sum rather than the monthly pension.

Subd. 4. The provisions of section 69.06 shall continue to govern pensions paid pursuant to this section in all instances where consistent with this section.

Renumber the remaining section

Page 2, line 5, after "2." insert "Section 1 of"

Page 2, line 7, after the period, insert:

"Section 2 of this act is effective when approved by the governing body of the city of Newport and upon compliance with the provisions of section 645.021."

Amend the title as follows:

Page 1, line 2, strike "the city of Wayzata;" and insert "retirement; increasing"

Page 1, line 3, after "pensions" insert "for the cities of Wayzata and Newport"

The motion prevailed. So the amendment was adopted.

H. F. No. 2007 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|--------------|----------------|-----------|
| Arnold | Dunn | Kirchner | Olhoff | Schmitz |
| Bang | Fitzsimons | Kleinbaum | Olson, A. G. | Schrom |
| Berg | Frederick | Knutson | Olson, H. D. | Spear |
| Bernhagen | Gearty | Kowalczyk | Olson, J. L. | Stassen |
| Borden | Hansen, Baldy | Larson | Patton | Stokowski |
| Brown | Hansen, Mel | Laufenburger | Perpich, A. J. | Ueland |
| Chmielewski | Humphrey | Merriam | Perpich, G. | Willet |
| Coleman | Jensen | Milton | Pillsbury | |
| Conzemius | Josefson | Moe | Purfeerst | |
| Doty | Keefe, S. | Nelson | Renneke | |

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

SPECIAL ORDER

H. F. No. 2233: A bill for an act relating to human services; permitting Otter Tail county to designate a human services board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

Mr. Chmielewski moved to amend H. F. No. 2233, as amended pursuant to Rule 49, adopted by the Senate March 17, 1976, as follows:

(The text of the amended House file is identical to S. F. No. 2121.)

Page 1, line 21, strike "*Subdivision 1.*"

Page 2, strike lines 2 through 4 and insert:

"Sec. 3. [COUNTY HUMAN SERVICES BOARD.] *Subdivision 1. Notwithstanding the population requirements of Minnesota Statutes, Section 402.01, the county boards of the counties of Aitkin, Carlton, Itasca, and Koochiching, acting individually or jointly, may by resolution designate a human services board having the composition, powers, and duties provided in Minnesota Statutes, Sections 402.01 to 402.10.*

Subd. 2. Any county creating a human services board pursuant to subdivision 1 shall provide evidence on an annual basis as part of its annual human services board plan that continuing efforts have been undertaken with contiguous counties situated within the boundaries of development region 3 designated pursuant to sections 462.381 to 462.396 to consider the addition of contiguous counties to the county's human services board in order to comply with the population base and number of counties required in section 402.01.

Subd. 3. Any county establishing a human service board pursuant to this section is not eligible for financial assistance as provided in Laws 1975, Chapter 434, Section 2, Subdivision 24, for the biennium ending June 30, 1977.

Sec. 4. This act shall be effective as to each county named in sections 2 and 3 on the approval of the act by the board of county commissioners of the county and upon compliance with Minnesota Statutes, Section 645.021."

Amend the title as follows:

Page 1, line 4, after "permitting" insert "Aitkin, Carlton, Itasca, Koochiching, and"

Page 1, line 5, strike "county" and insert "counties"

The motion prevailed. So the amendment was adopted.

H. F. No. 2233 was then progressed.

SPECIAL ORDER

H. F. No. 1435: A bill for an act relating to game and fish; taking of animals by falconry; amending Minnesota Statutes 1974, Section 100.27, Subdivision 8.

Mr. Brown moved to amend H. F. No. 1435 as follows:

Page 1, line 8, reinstate the stricken language

Page 1, line 8, after "season" insert "*or at other times*"

The motion prevailed. So the amendment was adopted.

H. F. No. 1435 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 40 and nays 8, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|--------------|----------------|-----------|
| Arnold | Dunn | Jensen | Moe | Purfeerst |
| Bang | Fitzsimons | Josefson | Olhoff | Renneke |
| Berg | Frederick | Kirchner | Olson, A. G. | Schmitz |
| Bernhagen | Gearty | Kleinbaum | Olson, H. D. | Schrom |
| Borden | Hansen, Baldy | Kowalczyk | O'Neill | Spear |
| Brown | Hansen, Mel | Larson | Perpich, A. J. | Stassen |
| Chmielewski | Hughes | Laufenburger | Perpich, G. | Ueland |
| Conzemius | Humphrey | Merriam | Pillsbury | Willet |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|--------|-------|--------------|
| Chenoweth | Keefe, S. | Lewis | North | Olson, J. L. |
| Doty | Knutson | Milton | | |

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

Mr. Borden moved that H. F. No. 1891, No. 11 on General Orders, be stricken and re-referred to the Committee on Governmental Operations. The motion prevailed.

SPECIAL ORDER

H. F. No. 1892: A bill for an act relating to civil defense; requiring the executive council to declare an emergency when a disaster has occurred or is imminent; requiring the division of emergency service to assist in the provision of relief measures when a disaster occurs and to coordinate interjurisdictional disaster planning; amending Minnesota Statutes 1974, Sections 12.01; 12.02, Subdivision 1; 12.03; and Chapters 9, by adding a section; and 12, by adding sections.

Mr. Borden moved to amend H. F. No. 1892 as amended by the Committee on Governmental Operations, adopted by the Senate March 17, 1976, as follows:

Pages 1 to 5, strike sections 1 to 3

Pages 7 to 9, strike section 5

Page 9, line 32, strike "seven" and insert "three"

Pages 10 to 11, strike section 7

Renumber the sections in sequence

Amend the title by striking it in its entirety and inserting:

"A bill for an act relating to emergency services; defining disaster and emergency; specifying powers of political subdivisions in relation to local emergencies; providing for loans in disaster areas; amending Minnesota Statutes 1974, Section 12.03; and Chapter 12 by adding sections."

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

H. F. No. 1892 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 50 and nays 1, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|---------------|--------------|----------------|-----------|
| Arnold | Doty | Josefson | North | Renneke |
| Bang | Dunn | Keefe, S. | Olhott | Schmitz |
| Berg | Fitzsimons | Kleinbaum | Olson, A. G. | Schrom |
| Bernhagen | Gearty | Kowalczyk | Olson, H. D. | Sillers |
| Borden | Hansen, Baldy | Larson | Olson J. L. | Spear |
| Brataas | Hansen, Mel | Laufenburger | O'Neill | Stassen |
| Chenoweth | Hanson, R. | Lewis | Patton | Stokowski |
| Chmielewski | Hughes | Merriam | Perpich, A. J. | Ueland |
| Coleman | Humphrey | Milton | Perpich, G. | Wegener |
| Conzemius | Jensen | Moe | Pillsbury | Willet |

Mr. Kirchner voted in the negative.

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

SPECIAL ORDER

H. F. No. 101: A bill for an act relating to insurance; establishing certain compulsory insurance for aircraft; providing penalties; amending Minnesota Statutes 1974, Sections 60A.081; 360.59, by adding a subdivision; 360.91; and Chapter 360, by adding sections.

Mr. Humphrey moved to amend H. F. No. 101, as amended pursuant to Rule 49, adopted by the Senate March 18, 1976, as follows:

(The text of the amended House file is identical to S. F. No. 465.)

Page 2, strike lines 3 to 15

Page 2, line 16, after "2." insert "Except as provided in subdivision 1,"

Page 2, line 19, after "passengers" insert "or non-passengers"

Page 2, line 22, strike "when" and insert "where"

Page 2, line 22, strike "shall have" and insert "has"

Page 3, line 8, delete "When an"

Page 3, delete lines 9, 10 and 11 and insert "Every owner of aircraft in this state when applying for registration, reregistration, or transfer of ownership shall supply any information the commissioner reasonably requires to determine that the aircraft is covered by an insurance"

Page 3, line 12, strike "100,000" and insert "25,000"

Page 3, line 13, strike "for" and after "both" insert "for"

Page 3, line 13, after "injury" insert "or death"

Page 3, line 13, after "and" insert "for"

Page 3, line 14, strike ", and" and insert a semicolon

Page 3, line 14, strike "\$100,000 per person" and insert "\$25,000"

Page 3, line 15, after "injury" insert "or death"

Page 3, line 15, strike "non-passengers," and insert "each non-passenger in any one accident;"

Page 3, line 15, strike "\$300,000" and insert "\$50,000"

Page 3, line 16, after "injury" insert "or death"

Page 3, line 16, after "non-passengers" insert "in any one accident"

Page 3, line 16, after "The" insert "information shall include but is not limited to the name and address of the owner, the name of the insurer, the insurance policy number, the term of the coverage, policy limits and any other data the commissioner requires."

Page 3, strike line 17

Page 3, line 18, strike "coverage."

Page 3, line 19, strike "a certificate of"

Page 3, line 20, strike "insurance" and insert "the information required by this subdivision or the commissioner"

Page 3, line 23, after "Unless" insert "proof of"

Page 3, line 23, strike "certificate" and insert "policy"

Page 4, line 6, before the period, insert ", and the specific exclusions or conditions, if any, in the policy shall be limited to those provided for in section 1 of this act"

Page 4, line 28, strike "for operations of"

Page 4, strike lines 29 and 30 and insert "July 1, 1976."

The motion prevailed. So the amendment was adopted.

H. F. No. 101 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 29 and nays 34, as follows:

Those who voted in the affirmative were:

| | | | | |
|---------------|--------------|--------------|----------------|-----------|
| Arnold | Hughes | Lewis | Perpich, A. J. | Stokowski |
| Borden | Keefe, J. | Merriam | Perpich, G. | Stumpf |
| Chenoweth | Keefe, S. | Milton | Purfeerst | Tennessen |
| Coleman | Kleinbaum | Moe | Schaaf | Wegener |
| Gearty | Larson | Olhoff | Solon | Willet |
| Hansen, Baldy | Laufenburger | Olson, A. G. | Spear | |

Those who voted in the negative were:

| | | | | |
|-----------|-------------|------------|--------------|---------|
| Anderson | Brown | Hanson, R. | North | Renneke |
| Ashbach | Conzemius | Humphrey | Ogdahl | Schmitz |
| Bang | Doty | Jensen | Olson, H. D. | Schrom |
| Berg | Dunn | Josefson | Olson, J. L. | Sillers |
| Bernhagen | Fitzsimons | Kirchner | O'Neill | Stassen |
| Blatz | Frederick | Knutson | Patton | Ueland |
| Brataas | Hansen, Mel | Kowalczyk | Pillsbury | |

So the bill failed to pass.

NOTICE OF RECONSIDERATION

Mr. Humphrey gave notice of intention to move for reconsideration of H. F. No. 101.

SPECIAL ORDER

H. F. No. 424: A bill for an act relating to tort liability of cities, counties, towns, public authorities, certain public corporations, school districts and political subdivisions of the state; amending Minnesota Statutes 1974, Section 466.05, Subdivision 1.

Mr. Chenoweth moved to amend H. F. No. 424 as follows:

Strike everything after the enacting clause and insert:

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

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

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

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

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

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

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

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

Sec. 2. [129A.02] [DEPARTMENT OF VOCATIONAL REHABILITATION.] Subdivision 1. [DEPARTMENT CREATED.]

The department of vocational rehabilitation is created as the successor to the division of vocational rehabilitation.

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

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

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

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

(a) Develop and administer the long-term sheltered workshops

and work activity programs and perform the duties as specified in section 8;

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

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

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

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

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

(g) Receive and disburse pursuant to law funds and gifts avail-

able from governmental and private sources for the purpose of vocational rehabilitation;

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 2. The term of office of each member of the community long-term sheltered workshop or work activity board shall be for four years, measured from the first day of the year of appointment, except as follows: Of the members first appointed, at least three shall be appointed for a term of two years, at least three for a term of three years and at least three for a term of four

years. Vacancies shall be filled for the unexpired term in the same manner as original appointments. Any member of a board may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office, after being given a written statement of charges and an opportunity to be heard thereon.

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

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

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

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

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

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

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

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

Subd. 2. At the beginning of each fiscal year, the commissioner shall allocate available funds to long-term sheltered workshops and work activity programs for disbursement during the fiscal year in accordance with approved plans or budgets. The commissioner shall from time to time during the fiscal year review the budgets and expenditures of the various programs and if funds are not needed for the program to which they were allocated, he may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. He may withdraw funds from any program which is not being administered in accordance with its approved plan and budget and with relevant department rules.

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

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

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

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

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

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

(e) Regulatory fees for consultation services; and

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

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

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

Subd. 3. [CONTINUATION OF RULES AND REGULATIONS.] Any order, rule or regulation issued or existing and in force at the time of the transfer of powers, duties and functions under sections 1 to 9 shall continue in full force and effect as an order, rule or regulation of the department, or program under the control of the commissioner, until the order, rule or regulation is amended, repealed or superseded, or the program terminated.

Subd. 4. [TRANSFER NOT TO AFFECT LEGAL ACTION.]

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

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

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

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

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

Sec. 10. [REPEALER.] Minnesota Statutes 1974, Sections 121.-29, 121.30, 121.301, 121.31, 121.32, 121.33, 121.331, 121.71, 121.-711, 121.712, 121.713 and 121.714 are repealed.

Sec. 11. Notwithstanding the provisions of Laws 1975, Chapter 433, Section 2, Subdivision 9, any additional federal funds which become available to the state of Minnesota for vocational rehabilitation purposes after March 1, 1976 and April 1 of each fiscal year thereafter as a result of a reallocation of funds returned by other states or release of additional funds may be carried over and expended in the next fiscal year. The state of Minnesota shall have earned these funds in the year they are received with state expenditures in accordance with the federal-state formula in effect for that year. These funds shall be subject to the provisions of section 9, subdivision 8 of this act.

Sec. 12. [EFFECTIVE DATE.] Sections 1 to 10 of this act take effect July 1, 1976. Section 11 of this act is effective the day following final enactment."

Amend the title by striking it and inserting:

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

The chair put the question on whether or not the amendment was in order.

The question was decided in the affirmative. So the amendment was in order.

The question being taken on the adoption of the amendment,

The motion prevailed. So the amendment was adopted.

H. F. No. 424 was read the third time, as amended, and placed on its final passage.

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

And the roll being called, there were yeas 56 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. North and Olson, A. G. voted in the negative.

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

SPECIAL ORDER

H. F. No. 2233: A bill for an act relating to human services; permitting Otter Tail county to designate a human services board; amending Minnesota Statutes 1974, Section 402.01, Subdivision 1.

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

The question being taken on the passage of the bill,

And the roll being called, there were yeas 50 and nays 6, as follows:

Those who voted in the affirmative were:

| | | | | |
|---------|------|-----------|---------|-------------|
| Arnold | Bang | Bernhagen | Brataas | Chmielewski |
| Ashbach | Berg | Blatz | Brown | Coleman |

| | | | | |
|---------------|--------------|--------------|----------------|-----------|
| Doty | Keefe, J. | Moe | Perpich, A. J. | Spear |
| Dunn | Kirchner | Nelson | Perpich, G. | Stassen |
| Fitzsimons | Kleinbaum | Ogdahl | Pillsbury | Stokowski |
| Gearty | Kowalczyk | Olhoft | Renneke | Stumpf |
| Hansen, Baldy | Larson | Olson, H. D. | Schmitz | Tennessen |
| Hanson, R. | Laufenburger | Olson, J. L. | Schrom | Ueland |
| Hughes | Merriam | O'Neill | Sillers | Wegener |
| Jensen | Milton | Patton | Solon | Willet |

Those who voted in the negative were:

| | | | | |
|-----------|-------|-------|-------------|-----------|
| Keefe, S. | Lewis | North | Olson A. G. | Purfeerst |
| Knutson | | | | |

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 12:00 o'clock noon, Wednesday, March 31, 1976. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate