

## THIRTY-SECOND DAY

St. Paul, Minnesota, Thursday, April 7, 1977

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

### CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate. The following Senators answered to their names:

Ashbach	Frederick	Lewis	Peterson	Solon
Bang	Gearty	Luther	Pillsbury	Spear
Benedict	Gunderson	Menning	Purfeerst	Stokowski
Bernhagen	Hanson	Milton	Renneke	Tennessee
Borden	Jensen	Moe	Schmitz	Ueland, A.
Chenoweth	Johnson	Nelson	Schrom	Ulland, J.
Coleman	Kleinbaum	Olson	Setzepfandt	Vega
Davies	Knutson	Penny	Sieloff	Wegener
Engler	Laufenburger	Perpich	Sikorski	Willet

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

Prayer was offered by the Chaplain, Rev. Roy M. Lindquist.

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

Anderson	Frederick	Laufenburger	Penny	Spear
Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Lewis	Peterson	Stokowski
Benedict	Hanson	Luther	Pillsbury	Strand
Bernhagen	Hughes	McCutcheon	Purfeerst	Stumpf
Borden	Humphrey	Menning	Renneke	Tennessee
Brataas	Jensen	Merriam	Schaaf	Ueland, A.
Chenoweth	Johnson	Milton	Schmitz	Ulland, J.
Chmielewski	Keefe, J.	Moe	Schrom	Vega
Coleman	Keefe, S.	Nelson	Setzepfandt	Wegener
Davies	Kirchner	Nichols	Sieloff	Willet
Dieterich	Kleinbaum	Ogdahl	Sikorski	
Dunn	Knoll	Olthoff	Sillers	
Engler	Knutson	Olson	Solon	

The President declared a quorum present.

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Dieterich introduced—

S. F. No. 1176: A bill for an act relating to taxation; creating special districts to be called tax increment financing districts; providing for tax increment financing of renewal and development projects; amending Minnesota Statutes 1976, Chapter 273, by adding sections; Sections 458.192, Subdivision 11; 462.585, Subdivision 1; 472A.06; 473F.02, Subdivision 3; 474.10, Subdivisions 1 and 4; and repealing Minnesota Statutes 1976, Sections 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; 472A.08; and 474.10, Subdivisions 2 and 3.

Referred to the Committee on Taxes and Tax Laws.

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

S. F. No. 1177: A bill for an act relating to legal newspapers; simplifying procedures for receiving reimbursement for publication of proposed constitutional amendments; amending Minnesota Statutes 1976, Section 3.22.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Perpich introduced—

S. F. No. 1178: A bill for an act relating to the town of McDavitt; authorizing the town to issue general obligations for acquisition and betterment of a town hall.

Referred to the Committee on Local Government.

Mr. Frederick introduced—

S. F. No. 1179: A bill for an act relating to savings associations; investments in certain obligations; amending Minnesota Statutes 1976, Section 51A.35.

Referred to the Committee on Commerce.

Messrs. Chmielewski and Renneke introduced—

S. F. No. 1180: A bill for an act relating to highways; requiring a hearing by a county board prior to the adoption of a resolution revoking a county highway that would revert to a town; amending Minnesota Statutes 1976, Section 163.11, by adding a subdivision.

Referred to the Committee on Local Government.

Messrs. Hughes, Ogdahl, Coleman, Anderson and Merriam introduced—

S. F. No. 1181: A bill for an act relating to education; buildings; certificates of need; providing for the economical joint use of school and other public buildings.

Referred to the Committee on Education.

Mr. Dieterich introduced—

S. F. No. 1182: A bill for an act relating to taxation; exempting residential heating products from the sales and use tax; amending Minnesota Statutes 1976, Section 297A.25, Subdivision 1.

Referred to the Committee on Energy and Housing.

Messrs. Dieterich, Hanson, Bernhagen and Sikorski introduced—

S. F. No. 1183: A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitious and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision 2; 10.13; 15.55; 16A.129; 33.13; 38.02, Subdivision 2; 38.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2; 192.551; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039; 353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

Referred to the Committee on Judiciary.

Messrs. Dieterich and Sieloff introduced—

S. F. No. 1184: A bill for an act relating to taxation; eliminating city excise taxes on utility charges; providing for replacement of revenues lost by the cities due to elimination of that revenue; appropriating funds; amending Minnesota Statutes 1976, Section 477A.01, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Gearty; Stokowski; Johnson and Knoll introduced—

S. F. No. 1185: A bill for an act relating to taxation; property tax and income-adjusted homestead credit; reducing assessed val-

uation of homestead property; increasing homestead property exemption; increasing rent constituting property taxes and maximum amounts of income-adjusted homestead credit; amending Minnesota Statutes 1976, Sections 273.13, Subdivision 7; 290A.03, Subdivision 11; and 290A.04, Subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Keefe, S.; Gearty; Stokowski; Schaaf and Jensen introduced—

S. F. No. 1186: A bill for an act relating to elections; providing that the secretary of state prescribe voting equipment; prohibiting certain equipment; amending Minnesota Statutes 1976, Section 206.08, by adding subdivisions.

Referred to the Committee on Elections.

Mr. Davies introduced—

S. F. No. 1187: A bill for an act relating to medical malpractice; providing limited liability for health care providers who disclose medically induced injuries to their patients.

Referred to the Committee on Judiciary.

Messrs. Davies and Merriam introduced—

S. F. No. 1188: A bill for an act relating to insurance; prohibiting health care providers from providing professional services unless there is in effect an insurance policy covering claims which may arise from the provision of the services.

Referred to the Committee on Judiciary.

Messrs. Davies and Dieterich introduced—

S. F. No. 1189: A bill for an act relating to insurance; providing for easier comparison of costs of automobile insurance coverage; amending Minnesota Statutes 1976, Section 65B.68, by adding a subdivision.

Referred to the Committee on Commerce.

Messrs. Gunderson; Solon; Keefe, S.; Ueland, A. and Benedict introduced—

S. F. No. 1190: A bill for an act relating to highway traffic regulations; providing parking privileges and license plates for the physically handicapped; amending Minnesota Statutes 1976, Sections 168.021, Subdivisions 1 and 5; and 169.345.

Referred to the Committee on Judiciary.

Mr. Jensen introduced—

S. F. No. 1191: A bill for an act relating to the city of Springfield; providing for city buildings and equipment and their use; providing for a bond issue.

Referred to the Committee on Local Government.

Messrs. Ogdahl, Stumpf, Setzepfandt and Davies introduced—

S. F. No. 1192: A bill for an act relating to the practice of chiropractic; prohibiting the state and its political subdivisions from discrimination against licensed chiropractors because of race, creed or sex or in any manner which would tend to impede their performing and receiving compensation for authorized services; amending Minnesota Statutes 1976, Sections 148.03 and 148.08, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olson, Chmielewski and Solon introduced—

S. F. No. 1193: A bill for an act relating to taxation; eliminating duty of county recorder to list judgments affecting real estate titles; eliminating payment to county recorder for making lists; amending Minnesota Statutes 1976, Section 272.17.

Referred to the Committee on Judiciary.

Messrs. Olson, Chmielewski and Solon introduced—

S. F. No. 1194: A bill for an act relating to real estate; removing specific charge for copies of instrument filed with registrar; amending Minnesota Statutes 1976, Section 508.38.

Referred to the Committee on Judiciary.

Messrs. Olson, Chmielewski and Solon introduced—

S. F. No. 1195: A bill for an act relating to real estate; transfers of undivided interests; amending Minnesota Statutes 1976, Section 272.14.

Referred to the Committee on Judiciary.

Mr. Sillers introduced—

S. F. No. 1196: A bill for an act relating to aeronautics; providing for joint interstate airports; amending Minnesota Statutes 1976, Section 360.042, by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Wegener, Purfeerst and Engler introduced—

S. F. No. 1197: A bill for an act relating to crimes and criminals; littering; prohibiting the owner or operator of certain vehicles from

permitting certain articles and materials being thrown, deposited or dumped from vehicles; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.42, by adding a subdivision; and 609.68.

Referred to the Committee on Judiciary.

Messrs. Menning, Ashbach, Setzepfandt, Borden and Hanson introduced—

S. F. No. 1198: A bill for an act relating to education; providing for public improvements for vocational-technical education; providing a bond issue; appropriating money.

Referred to the Committee on Finance.

Mr. Tennessen introduced—

S. F. No. 1199: A bill for an act relating to public welfare; providing for pilot dental health programs; providing an appropriation; amending Laws 1973, Chapter 305, Section 9; repealing Laws 1973, Chapter 305, Section 10.

Referred to the Committee on Finance.

Messrs. Johnson, Borden, Strand, Nichols and Menning introduced—

S. F. No. 1200: A bill for an act relating to public utilities; revoking the certificate of authority issued to a certain telephone company; providing for transfer of authority and property; declaring legislative findings in regard thereto.

Referred to the Committee on Commerce.

Mr. Willet introduced—

S. F. No. 1201: A bill for an act relating to water resources; creating a water planning board; prescribing its duties; regulating the appropriation and use of water; establishing emergency restrictions on the use of state waters for irrigation and other purposes; establishing procedures for the processing of irrigation permits; requiring municipal water supply authorities to conserve water during shortages; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivision 1a; 105.415; 105.44, Subdivisions 1, 2, 3, 6, 9 and 10; 105.462; 105.482, Subdivisions 3 and 5; and Chapter 105, by adding a section; repealing Minnesota Statutes 1976, Section 105.41, Subdivision 1b.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Stumpf; McCutcheon; Keefe, J.; Dieterich and Keefe, S. introduced—

S. F. No. 1202: A bill for an act relating to highway traffic regulations; parking citations; the reporting of the same and their collection.

Referred to the Committee on Judiciary.

#### MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 226: A bill for an act relating to minimum wage; providing a higher minimum wage; amending Minnesota Statutes 1976, Section 177.24.

Senate File No. 226 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned April 6, 1977

#### CONCURRENCE AND REPASSAGE

Mr. Milton moved that the Senate concur in the amendments by the House to S. F. No. 226 and that the bill be placed on its repassage as amended. The motion prevailed.

#### RECONSIDERATION

Mr. Jensen moved that the vote whereby Mr. Milton's motion to concur in the amendments by the House to S. F. No. 226 and that the bill be placed on its repassage as amended, be now reconsidered. The motion prevailed.

Mr. Jensen moved that the Senate do not concur in the amendments by the House to S. F. No. 226, and that a Conference Committee of 3 members be appointed by the Subcommittee 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 question was taken on the adoption of the motion.

The roll was called, and there were yeas 41 and nays 24, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Menning	Renneke	Ueland, A.
Bang	Hughes	Nichols	Schaaf	Ulland, J.
Benedict	Jensen	Ogdahl	Schmitz	Vega
Bernhagen	Keefe, J.	Olhoff	Schrom	Wegener
Brataas	Kleinbaum	Olson	Setzepfandt	Willet
Chmielewski	Laufenburger	Penny	Sieloff	
Dunn	Lessard	Peterson	Sillers	
Engler	Lewis	Pillsbury	Solon	
Frederick	McCutcheon	Purfeerst	Strand	

Those who voted in the negative were:

Anderson	Dieterich	Keefe, S.	Moe	Staples
Borden	Gunderson	Knoll	Nelson	Stokowski
Chenoweth	Hanson	Luther	Perpich	Stumpf
Coleman	Humphrey	Merriam	Sikorski	Tennessen
Davis	Johnson	Milton	Spear	

The motion prevailed.

#### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 315, 384, 398, 442, 489, 445, 524, 720 and 971.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 6, 1977

#### FIRST READING OF HOUSE BILLS

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

H. F. No. 315: A bill for an act relating to state government; state zoological board; providing for a member designated by the Dakota county board; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

Referred to the Committee on Governmental Operations.

H. F. No. 384: A bill for an act relating to interim claims against the state; appropriating moneys for the payment thereof.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 393, now on General Orders.

H. F. No. 398: A bill for an act relating to protection of the environment; prohibiting sale of pressurized containers using certain chlorofluorocarbon propellants; prescribing penalties.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 442: A bill for an act relating to children; damage done by a child; altering amount of parental liability; amending Minnesota Statutes 1976, Section 540.18, Subdivision 1.

Referred to the Committee on Judiciary.

H. F. No. 489: A bill for an act relating to legal newspapers; simplifying procedures for receiving reimbursement for publication of proposed constitutional amendments; amending Minnesota Statutes 1976, Section 3.22.

Referred to the Committee on General Legislation and Veterans Affairs.

H. F. No. 445: A bill for an act relating to natural resources; acquisition, development, and maintenance of recreational sites



along designated canoe and boating routes; amending Minnesota Statutes 1976, Section 85.32, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 524: A bill for an act relating to beverage containers; detachable parts of noncarbonated beverage cans; amending Minnesota Statutes 1976, Section 325.248, Subdivision 1.

Referred to the Committee on Rules and Administration.

H. F. No. 720: A bill for an act relating to commerce; regulation of subdivision of lands by the commissioner of securities; extending time for filing reports of subdivided land; amending Minnesota Statutes 1976, Section 83.30, Subdivision 1.

Referred to the Committee on Commerce.

H. F. No. 971: A bill for an act relating to insurance; providing financial requirements for nonprofit health service plan corporations; amending Minnesota Statutes 1976, Section 62C.09, Subdivision 3.

Referred to the Committee on Commerce.

#### REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the report on S. F. No. 324 be now adopted. The motion prevailed.

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

S. F. No. 65: A bill for an act relating to crimes and corrections; sentencing and post conviction disposition of criminal offenders; transferring the powers and duties of the Minnesota corrections board to the commissioner of corrections; abolishing the Minnesota corrections board; providing for determinate sentencing; providing for a mutual agreement program; amending Minnesota Statutes 1976, Sections 152.15, Subdivisions 1, 2 and 3; 299F.811; 299F.815, Subdivision 1; 401.13; 609.03; 609.10; 609.135, Subdivision 1; 609.145, Subdivision 1; 609.165, Subdivision 2; 609.17, Subdivision 4; 609.175, Subdivision 2; 609.18; 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.225; 609.235; 609.24; 609.245; 609.25, Subdivision 2; 609.255; 609.26; 609.27, Subdivision 2; 609.31; 609.32; 609.342; 609.343; 609.344; 609.345; 609.355, Subdivision 2; 609.365; 609.375, Subdivision 2; 609.39; 609.395; 609.405, Subdivision 2; 609.42, Subdivision 1; 609.425; 609.445; 609.455; 609.465; 609.466; 609.48, Subdivisions 1 and 4; 609.485, Subdivision 4; 609.495, Subdivision 1; 609.498, Subdivision 1; 609.52, Subdivisions 2 and 3; 609.521; 609.525, Subdivision 1; 609.53, Subdivisions 1 and 3; 609.54; 609.55, Subdivision 2; 609.551, Subdivision 1; 609.561; 609.562; 609.563, Subdivision 1; 609.576; 609.58, Subdivision 2; 609.59; 609.595, Subdivision 1; 609.60; 609.611; 609.615; 609.62, Subdivision 2; 609.625; 609.63; 609.635; 609.64; 609.645; 609.65;

609.67, Subdivision 2; 609.71; 609.713; 609.785; 609.82; 609.825, Subdivision 2; 609.83; Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 152.15, Subdivisions 4 and 5; 241.045; 242.24; 243.06; 243.14; 243.18; 246.43; 609.11; 609.155; 609.16; 609.293, Subdivisions 2, 3, and 4; and 609.346.

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

Page 5, line 32, strike "*Inmate review board*" and insert "*Ombudsman*"

Page 5, line 32, strike "*board created*" and insert "*ombudsman for the department of corrections or his designee.*"

Page 6, strike line 1

Page 7, after line 9, insert:

*"The participation of inmates in the mutual agreement program shall be limited by the appropriations made for that purpose."*

Page 7, strike lines 20 to 28

Page 7, line 29, strike "4" and insert "3"

Page 7, line 30, strike "*inmate review board*" and insert "*ombudsman*"

Page 7, line 31, strike "*inmate*" and insert "*ombudsman*"

Page 7, line 32, strike "*review board*"

Page 8, line 2, strike "*it*" and insert "*the ombudsman*"

Page 8, line 5, strike "5" and insert "4"

Page 8, strike lines 9 to 22 and insert:

*"Sec. 7. [VOLUNTARY PROGRAMS.] The commissioner shall provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates who desire to voluntarily participate in such programs. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed on him by the funds appropriated for such programs.*

*No action challenging the level of expenditures for programs authorized under this subdivision, nor any action challenging the selection, design or implementation of those programs, may be maintained by an inmate in any court in this state."*

Page 9, lines 17 and 23, strike "*inmate review board*" and insert "*commissioner*"

Page 11, line 20, strike "*authority*" and insert "*board*"

Page 13, line 29, after "*AVAILABLE*" insert "; *APPEAL OF SENTENCE*"

Page 15, after line 8, insert:

*"Subd. 3. Prior to the imposition of consecutive sentences for multiple offenses or to the imposition of a sentence which has been increased or decreased pursuant to subdivision 1, the court shall order argument from the prosecuting attorney and counsel for the defendant in support of or against the imposition of a decreased sentence, of an increased sentence, or of consecutive sentences. Counsel shall be permitted to include in the record any relevant reports, documents or other information in support of his argument."*

Page 15, line 9, strike "length" and insert "statutory time period"

Page 15, strike lines 16 to 19 and insert:

*"Subd. 5. The defendant may file an appeal from the district court to the supreme court of any of the following:*

*(a) a sentence which is not authorized by statute for the offense of which the defendant has been convicted;*

*(b) the imposition of consecutive sentences for multiple offenses;*

*(c) the imposition of an extended term;*

*(d) the length of the extended term imposed;*

*(e) the imposition of an increased sentence; or*

*(f) the period of time by which a statutory sentence has been increased. The defendant may not appeal the imposition of a sentence which does not deviate from the sentence set by statute for the offense for which he has been sentenced. The supreme court may not, on appeal pursuant to this subdivision, review any part of the sentence other than that part which is in excess of the sentence set by statute for the offense of which the defendant has been convicted.*

*An appeal under this subdivision may be filed independently or together with an appeal of the conviction giving rise to the sentence.*

*Subd. 6. The prosecuting attorney may file an appeal from the district court to the supreme court of the failure to impose an extended term pursuant to section 20."*

Renumber the subdivisions in sequence

Page 15, line 20, strike "4" and insert "5"

Page 15, line 21, after "the" insert "relevant part of a"

Page 15, line 21, strike "imposed"

Page 15, line 22, strike "the sentence" and insert "it"

Page 15, line 25, strike "This power shall be" and insert:

*"On appeal pursuant to subdivision 6 the supreme court may review the failure to impose an extended term to determine whether the failure was unreasonable or inappropriate under the circumstances, or to determine whether the failure to impose an*

*extended term resulted in a sentence which is unjustifiably disparate in comparison with cases of a similar nature.*

*The power of review provided in this section shall be"*

Page 15, line 27, begin a new paragraph with *"Upon"*

Page 15, line 28, strike the second comma and insert *"; or may"*

Page 15, line 29, after *"aside"* insert *"that part of"*

Page 15, line 29, strike *"imposed,"* and insert *"which is under review; or may"*

Page 15, line 30, strike *"and direct the entry of an appropriate sentence or"* and insert *"for"*

Page 15, line 31, strike *"order, or direct"*

Page 18, line 4, strike *"at any time"*

Page 18, strike line 8 and insert:

*"Sec. 19. Minnesota Statutes 1976, Section 609.135, Subdivision 2, is amended to read:*

*Subd. 2. [PROBATION.] (1) In case the conviction is for a felony such stay shall be for not more than the maximum period for which the sentence of imprisonment might have been imposed. If the court places "*

Page 18, after line 17, insert:

*"(2) In case If the conviction is for a misdemeanor the stay shall not be for more than one year.*

*(3) In case If the conviction is for a gross misdemeanor the stay shall not be for more than two years.*

*(4) At the expiration of such the stay, unless the stay has been revoked or the defendant discharged prior thereto, the defendant shall be discharged."*

Page 18, line 18, before *"An"* insert *"Subdivision 1."*

Page 19, line 11, after *"or"* insert *"great"*

Page 19, line 11, strike *"injury which created a high"* and insert *"harm"*

Page 19, strike lines 12 to 14

Page 19, line 15, strike *"organ"*

Page 19, line 31, strike *"at any time"*

Page 20, after line 14, insert

*"Subd. 2. The prosecuting attorney may file an appeal pursuant to section 609.10 of the failure to impose an extended term."*

Page 28, line 6, strike *"may"* and insert *"shall"*

Page 28, line 7, strike *"not more than"*

Page 28, line 7, strike "or to" and insert "*and one day*"

Page 28, line 8, strike "payment of a fine of not more than"

Page 28, line 8, strike "\$1,000 , or both"

Page 29, line 1, strike "may" and insert "*shall*"

Page 29, line 1, strike "not more than"

Page 29, line 2, strike "or to payment of a fine of not more than" and insert "*and one day*"

Page 29, line 3, strike "\$1,000 , or both"

Page 41, line 13, after the comma insert "*and the person who escaped was under lawful custody on a charge or conviction for a felony or gross misdemeanor, the sentence shall be increased to twice that permitted in clause (1) or (2). If the escape was effected by violence or threat of violence against a person, and the person who escaped was under lawful custody on a charge or conviction for a misdemeanor,*"

Page 41, line 14, strike "those" and insert "*that*"

Page 41, line 14, strike "clauses (1), (2), and" and insert "*clause*"

Page 56, line 3, strike "may" and insert "*shall*"

Page 56, line 4, strike "not more than"

Page 56, line 4, strike "or to" and insert "*and one day*"

Page 56, line 5, strike "payment of a fine of not more than"

Page 56, line 5, strike "\$1,000 , or both"

Amend the title as follows:

Page 1, line 12, strike the first "Subdivision 1" and insert "Subdivisions 1 and 2"

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

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

S. F. No. 461: A bill for an act relating to the administration of criminal justice; establishing a contingent fund to be used by law enforcement agencies for the purchase of narcotics and contraband; appropriating money.

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

Strike everything after the enacting clause and insert:

"Section 1. [CONTINGENT FUND FOR PURCHASE OF CONTRABAND AND CONTROLLED SUBSTANCES.] Subdivision 1. The commissioner of finance shall make moneys available to law enforcement agencies out of the contingent fund hereby

established and hereinafter referred to as the law enforcement contingent fund which consists of money in the state treasury appropriated for the purpose of investigation of cross jurisdictional criminal activity.

Subd. 2. Law enforcement agencies may use up to \$250,000 from the law enforcement contingent fund for criminal investigatory activity relating to possession and sale of controlled substances, including purchases of controlled substances and acquisition of information.

Subd. 3. Law enforcement agencies may use up to \$250,000 from the law enforcement contingent fund for criminal investigatory activity relating to receiving or selling of stolen goods, including purchases of contraband and information.

Subd. 4. Application for funds shall be made to the attorney general describing the intended criminal investigation under subdivision 2 or 3 and the estimated amount of money required for the purposes set out in this section. A report shall be made to the attorney general at the conclusion of the investigation for which funds are allocated stating: (a) the number of persons arrested, (b) the nature of the charges filed against them, (c) the nature and value of controlled substances or contraband purchased and/or seized, and (d) the amount of fund money paid to informants during the investigation. Unused funds shall be returned to the law enforcement contingent fund by the reporting agency.

Subd. 5. Application to the attorney general from the law enforcement agencies shall be maintained as confidential records. Reports to the attorney general at the conclusion of the investigation funded under this section shall be public records.

Subd. 6. For the purposes of this section, "law enforcement agency" includes county sheriffs or the chief administrative officer of city police departments or their designees.

Sec. 2. [APPROPRIATION.] The sum of \$500,000 is appropriated to the law enforcement contingent fund from the general fund for the purposes of this act for the biennium beginning July 1, 1977. This appropriation shall not lapse until July 1, 1979, notwithstanding Minnesota Statutes, Section 16A.28, or other law relating to the lapse of an appropriation."

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

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

S. F. No. 362: A bill for an act relating to retirement; miscellaneous amendments to the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 2; 354.10; 354.49, Subdivision 5; 354.50, Subdivision 2; 354.53, Subdivision 1; and 354.58.

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

Page 2, after line 19, insert:

"Sec. 2. Minnesota Statutes 1976, Section 354.06, Subdivision 2, is amended to read:

Subd. 2. The board shall annually elect one of its members as president, shall elect a ~~secretary~~ *an executive director*, and fix his salary, who shall serve during the pleasure of the board and be the executive officer of the board, with such duties as the board shall prescribe. The board shall employ all other clerks and employees necessary to properly administer the fund. The cost and expense of administering the provisions of sections 354.05 to 354.10 shall be paid by the fund.

Sec. 3. Minnesota Statutes 1976, Section 354.06, is amended by adding a subdivision to read:

**Subd. 2a. [DUTIES AND POWERS OF THE EXECUTIVE DIRECTOR.]** *The management of the association is vested in the executive director who shall be the executive and administrative head of the association. He shall act as advisor to the board on all matters pertaining to the association. He shall also act as the secretary of the board. It is the duty of the executive director and he has the power to:*

- (1) Attend all meetings of the board;*
- (2) Prepare and recommend to the board rules for the purpose of carrying out the provisions of chapter 354;*
- (3) Establish and maintain an adequate system of records and accounts following recognized accounting principles and controls;*
- (4) Designate an assistant director with the approval of the board, and appoint such employees, both permanent and temporary, as are necessary to carry out the provisions of said chapter;*
- (5) Organize the work of the association as he deems necessary to fulfill the functions of the association, and define the duties of its employees and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe;*
- (6) With the approval of the board, contract for actuarial services, professional management services, and consulting services as may be necessary and fix the compensation therefor. Such contracts shall not be subject to the competitive bidding procedure prescribed by chapter 16. Professional management services may not be contracted for more often than once in every six years. Copies of all professional management survey reports shall be sent directly to the legislature and the legislative auditor at the same time reports are furnished the board. Only management firms experienced in conducting management surveys of federal, state or local public retirement systems shall be qualified to contract with the director hereunder;*
- (7) With the approval of the board provide inservice training for all employees of the association;*

(8) *Make refunds of accumulated contributions to former members and to the designated beneficiary, surviving spouse, legal representative or next of kin of deceased members or deceased former members, all as provided in chapter 354;*

(9) *Determine the amount of the annuities and disability benefits of members covered by the association and authorize payment thereof beginning as of the dates such annuities and benefits begin to accrue, all in accordance with the provisions of said chapter;*

(10) *Pay annuities, refundments, survivor benefits, salaries and all necessary operating expenses of the association;*

(11) *Prepare and submit to the board and the legislature an annual report covering the operation of the association, as required by Minnesota Statutes, Chapter 356;*

(12) *Certify funds available for investment to the state board of investment;*

(13) *With the advice and approval of the board request the state board of investment to sell securities when he determines that funds are needed for the purposes of the association;*

(14) *Prepare and submit biennial and annual budgets to the board and with the approval of the board submit such budgets to the department of administration; and*

(15) *With the approval of the board, perform such other duties as may be required for the administration of the association and the other provisions of this chapter and for the transaction of its business.*

Sec. 4. Minnesota Statutes, Section 354.07, is amended by adding a subdivision to read:

*Subd. 9. [MEMBER INFORMATION.] All school districts, state universities, community colleges and other employers of members of the fund are obligated to distribute to their employees ballots for the election of members to the board of trustees, pamphlets, brochures, documents or any other material containing fund information which are prepared by the executive director or the board and are delivered to the employers for distribution."*

Page 3, after line 21, insert:

"Sec. 6. Minnesota Statutes 1976, Section 354.41, Subdivision 6, is amended to read:

Subd. 6. Any such former member who elects membership in the fund as authorized by subdivision 4 shall be eligible to make payment for service which was rendered prior to July 1, 1975 in any of the organizations enumerated in subdivision 4, provided the organization makes satisfactory certification of such service as prescribed in section 354.05, subdivision 28. This payment shall be limited to the most recent five years of allowable service credit and shall include all required employee and employer contributions as provided in section 354.42, subdivisions 2, 3 and 5. Interest shall



be paid on both the employee and employer contributions at the rate of six percent per annum *compounded annually* from the end of the fiscal year during which such service was rendered to the date of payment. The payment described herein must be made in one lump sum prior to July 1, 1980 or prior to retirement, whichever is earlier.

Sec. 7. Minnesota Statutes 1976, Section 354.43, Subdivision 4, is amended to read:

"Subd. 4. When the amount of such remittances described in *Minnesota Statutes 1974*, Section 354A.07, Subdivision 4 and subdivision 3 of this section is equal to the social security receivable as defined in section 354.05, subdivision 29, the board of trustees of the teachers retirement association shall reduce their certifications pursuant to subdivision 1 of this section by an amount equal to the employing authorities' certifications and remittances as described in subdivision 3 of this section."

Page 6, after line 13, insert:

"Sec. 12. [INSTRUCTIONS TO REVISOR.] *Except for Minnesota Statutes, Section 354.06, Subdivision 2a, whenever the terms "secretary", "secretary of the board" or "secretary of the board of trustees" appear in subsequent editions of Minnesota Statutes, Chapter 354, the revisor of statutes is directed to substitute "executive director".*

Renumber sections in sequence

Further, amend the title as follows:

Page 1, line 4, after "Subdivision 2;" insert "354.06, Subdivision 2, and by adding a subdivision; 354.07, by adding a subdivision;"

Page 1, line 5, after "354.10;" insert "354.41, Subdivision 6; 354.43, Subdivision 4;"

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

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 96: A bill for an act relating to insurance; providing that senior citizens may cancel certain policies of insurance within seven business days after purchase; setting out notice requirements.

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

Strike everything after the enacting clause and insert:

"Section 1. [72A.51] [RIGHT TO CANCEL.] Subdivision 1. For the purposes of sections 1 and 2 "date of purchase" means the date on which the purchaser receives a copy of the policy or contract.

Subd. 2. Any individual person may cancel an individual policy

of insurance against loss or damage by reason of the sickness of the assured or his dependents, a nonprofit health service plan contract providing benefits for hospital, surgical and medical care, a health maintenance organization subscriber contract, or a policy of insurance authorized by Minnesota Statutes, Section 60A.06, Subdivision 1, Clause (4), by returning the policy or contract and by giving written notice of cancellation any time before midnight of the tenth day following the date of purchase. Notice of cancellation may be given personally, by mail, or by telegram. The policy or contract may be returned personally or by mail. If by mail, the notice or return of the policy or contract is effective upon deposit in a mailbox, properly addressed and postage prepaid.

Subd. 3. A person's cancellation of an insurance policy or contract under sections 1 and 2 is without liability on his part and he is entitled to a refund of the entire consideration paid for the policy or contract within ten days after notice of cancellation and the returned policy or contract are received by the insurer or its agent. Cancellation of an insurance policy or contract under sections 1 or 2 makes the policy or contract void from its inception.

Subd. 4. A person may not waive or surrender his right to cancel an insurance policy or contract under sections 1 and 2.

Sec. 2. [72A.52] [NOTICE REQUIREMENTS.] Subdivision 1. In addition to all other legal requirements a policy or contract of insurance described in section 1 shall show the name and address of the insurer and the seller of the policy or contract and shall state, clearly and conspicuously in bold face type of a minimum size of ten points, a notice in the following form or its equivalent:

"RIGHT TO CANCEL. You may cancel this policy by delivering or mailing a written notice or sending a telegram to (insert name and mailing address of the insurer or the seller of the policy or contract) and by returning the policy or contract before midnight of the tenth day after the date he receives the policy. Notice given by mail and return of the policy or contract by mail are effective on deposit in a mailbox properly addressed and postage prepaid. The insurer must return all payments made for this policy within ten days after it receives notice of cancellation and the returned policy."

Subd. 2. If a policy or contract of insurance covered by this section is sold without compliance with subdivision 1, the policy or contract may be cancelled by the purchaser at any time within one year after the date of purchase by returning the policy or contract and by giving written notice of cancellation to the insurer or its agent. If a purchaser cancels a policy or contract under this subdivision, the insurer must return the entire consideration paid for the policy or contract within 10 days after he receives notice of cancellation and the returned policy or contract."

Further amend the title as follows:

Page 1, line 2, strike "senior" and insert "individual persons"

Page 1, line 3, strike "citizens"

Page 1, line 4, strike "seven business" and insert "ten"

Page 1, line 4, strike "purchase" and insert "receipt"

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

Mr. Tennesen from the Committee on Commerce, to which was re-referred

S. F. No. 582: A bill for an act relating to motor vehicle common carriers; reinstating operating authority of certain irregular route common carriers.

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

Page 1, line 9, strike "1967" and insert "1968"

Page 1, line 10, strike "solely as"

Page 1, line 11, strike "a result of the transfer" and insert "who"

Page 1, line 12, after "carrier" insert "solely as a result of that transfer without benefit of hearing and review of evidence of operating authority actually exercised by the carrier"

Page 1, line 12, after "have" strike "the" and insert "all of his lost"

Page 1, line 14, before the period insert "without hearing"

Page 1, line 16, strike "30" and insert "15"

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

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

S. F. No. 600: A bill for an act relating to education; trade schools; exempting certain courses in the arts from regulation by the commissioner of education; amending Minnesota Statutes 1976, Section 141.35.

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

Page 2, strike lines 21 to 25 and insert:

*"(m) Courses of instruction in the fine arts provided by organizations exempt from taxation pursuant to section 290.05 and registered with the Minnesota department of commerce pursuant to chapter 309. "Fine arts" means activities resulting in artistic creation or artistic performance of works of the imagination which are engaged in for the primary purpose of creative expression rather than commercial sale or employment. In making this determination the commissioner may seek the advice and recommendation of the Minnesota board of the arts."*

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

Mr. Tennesen from the Committee on Commerce, to which was referred

S. F. No. 616: A bill for an act relating to the disposition of unclaimed property; changing certain definitions; changing the length of time unclaimed property must be held before disposition; changing certain disposition procedures; amending Minnesota Statutes 1976, Sections 345.31, Subdivisions 3 and 6; 345.32; 345.33; 345.35; 345.37; 345.39; 345.41; 345.47; and Chapter 345, by adding sections; repealing Minnesota Statutes 1976, Section 55.14.

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

Page 2, line 12, strike "excluding any reasonable"

Page 2, line 13, strike "charges that may lawfully be withheld,"

Page 2, line 22, before the period insert "; or

*(4) received tax reports or regular statements of the deposit by mail from the banking or financial organization regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the banking or financial organization and not returned; or*

*(5) acted as provided in paragraphs (1), (2), (3) and (4) of this subsection in regard to another demand, savings or time deposit made with the banking or financial organization"*

Page 2, line 23, after "funds" insert "or dividends deposited or"

Page 2, line 24, after "organization" insert "or business association"

Page 2, line 26, strike "excluding any charges that may lawfully"

Page 2, line 27, strike "be withheld,"

Page 3, line 3, before the period insert "; or

*(4) received tax reports or regular statements of the deposit or accounting by mail from the financial organization or business association regarding the deposit. Receipt of the statement by the owner should be presumed if the statement is mailed first class by the financial organization or business association and not returned"*

Page 3, line 4, strike ", excluding any charges that may lawfully be"

Page 3, line 5, strike "withheld,"

Page 3, line 9, strike "certificates of deposit,"

Page 3, line 25, strike "or any surplus amounts arising from"

Page 3, line 26, strike "the sale thereof pursuant to law,"

Page 8, line 3, after "report" insert "annually"

Page 8, line 31, strike "As of June 30, 1977"

Page 8, line 32, strike ", 1977, and before November 1"

Page 9, line 1, strike "thereafter"

Page 9, line 3, strike ", 1978, and before May 1"

Page 9, line 4, strike "thereafter"

Page 9, after line 16, insert:

*"(g) Holders of property described in section 345.32 shall not impose any charges against property which is described in section 345.32, clauses (a), (b) or (c).*

*(h) Any person who has possession of property which he has reason to believe will be reportable in the future as unclaimed property may, with the permission of the state treasurer, report and deliver such property prior to the date required for reporting in accordance with this section.*

Sec. 9. Minnesota Statutes 1976, Section 345.43, is amended to read:

345.43 [PAYMENT OR DELIVERY OF ABANDONED PROPERTY.] *Subdivision 1. Every person who has filed a report under section 345.41, within 20 days after the time specified in section 345.42 for claiming the property from the holder, or in the case of sums payable on traveler's checks or money orders presumed abandoned under section 345.32 within 20 days after the filing of the report, shall pay or deliver to the state treasurer all abandoned property specified in this the report, except that, if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the time specified in section 345.42, or if it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property, which will no longer be presumed abandoned, to the state treasurer, but in lieu thereof shall file a verified written explanation of the proof of claim or of the error in the presumption of abandonment.*

*Subd. 2. The state treasurer may in his discretion determine that the payment of abandoned property presents a hardship for a cooperative. If the state treasurer determines that a hardship exists, he may permit the cooperative to provide payment in equal installments over a period of three years.*

*(a) If legitimate claims to property reported by the cooperative to the state treasurer exceed the installments paid, the excess shall be paid by the cooperative to the state treasurer out of subsequent installments.*

*(b) This subdivision shall apply only to abandoned property for which reports were filed within 12 months after July 1, 1977."*

Renumber the sections in sequence

Further amend the title as follows:

Page 1, line 8, after "345.41;" insert "345.43;"

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

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

S. F. No. 470: A bill for an act relating to corrections; prescribing duties of the commissioner for parole and probation; authorizing disposition of juvenile offenders; classifying data; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying procedures for withdrawal from community corrections programs; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.15; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 242.09, is amended to read:

242.09 [COOPERATION; OTHER AGENCIES.] The commissioner of public welfare, the commissioner of education, and the state board of health through its executive officer shall advise, cooperate with and assist the board and the commissioner of corrections in carrying out the duties and responsibilities assigned to it by this chapter and for these purposes they may attend meetings. Their facilities and services and those of other state agencies, particularly of the department of public welfare, shall be made available to the board and the commissioner of corrections upon such *the* terms as the governor may ~~direct~~ *directs*.

Sec. 2. Minnesota Statutes 1976, Section 242.10, is amended to read:

242.10 [POWERS; PROBATION, COMMITMENT, PAROLE.] (1) Every order granting or revoking probation, committing to an institution, granting or revoking parole, or issuing final discharge to any person under the control of the corrections board shall be made by the board. The board may not delegate the making of such decisions to any other body or person. When the board acts under this section, three members shall constitute a quorum.

(2) All other powers conferred on the board may be exercised by the chairman or through his subordinates under rules established by the board. Any person subjected to an order of the chairman or such subordinates may petition the board for review.

(3) The commissioner of corrections may designate from among the members of his staff, one or more hearing officers and delegate to them the authority to grant or revoke probation, commit to an institution, grant or revoke parole, or issue final discharge to any person under the control of the commissioner pursuant to a commitment to him by a juvenile court of this state. Any person

aggrieved by an order issued by *such a hearing officer* may appeal to the commissioner or to a review panel established by the commissioner within his department pursuant to rules issued by the commissioner.

Sec. 3. Minnesota Statutes 1976, Section 242.14, is amended to read:

242.14 [PLACEMENT IN PENAL INSTITUTION PROHIBITED.] The board *commissioner of corrections* shall not have power by virtue of any commitment to *it him* by a juvenile court, as authorized by section 260.185, to place *such a child committed to him in any a* penal institution.

Sec. 4. Minnesota Statutes 1976, Section 242.18, is amended to read:

242.18 [STUDY OF OFFENDER'S BACKGROUND; TREATMENT POLICY.] When a person has been committed to the board *or the commissioner of corrections, the board or the commissioner of corrections* under its *his* rules shall forthwith cause him to be examined and studied, and investigate all of the pertinent circumstances of his life and the antecedents of the crime *or other delinquent conduct* because of which he has been committed to *it the commissioner*, and thereupon order *such the* treatment as *it he shall determine determines* to be most conducive to the accomplishment of the purposes of this chapter. *For the study and examination of those persons committed to the board or the commissioner of corrections who are deemed to require custodial detention for their own protection or the protection of society during the diagnostic process the commissioner shall make available suitable space at any institution under his control for the conduct of such study and examination rehabilitation.* Persons convicted of crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent children be detained in institutions for persons convicted of crimes. The court and the prosecuting and police authorities and other public officials shall make available to the board and the commissioner of corrections all pertinent data in their possession in respect to the case.

Sec. 5. Minnesota Statutes 1976, Section 242.31, is amended to read:

242.31 [RESTORATION OF CIVIL RIGHTS.] *Subdivision 1.* Whenever a person *who has been* committed to the board *commissioner of corrections* upon conviction of a crime *following reference for prosecution under the provisions of section 260.125 is finally* discharged from its *his* control *other than by expiration of the maximum term of commitment as provided in this chapter, or by termination of its control under the provisions of section 242.27, such by order of the Minnesota corrections board, that* discharge shall, when so ordered by the board restore *such that* person to all civil rights and, *if so ordered by the Minnesota corrections board, also* shall have the effect of setting aside the conviction and, nullifying the same and of purging *such that* person thereof. The board *Minnesota corrections board* shall file a copy of the order

with the district court of the county in which the conviction occurred, whereupon the court shall order the conviction set aside.

*Subd. 2. Whenever a person described in subdivision 1 has been placed on probation by the court pursuant to section 242.13 609.135 and, after satisfactory fulfillment thereof, is discharged therefrom from probation, the court, shall issue an order of discharge pursuant to section 609.165. On application of the defendant or on its own motion and after notice to the county attorney, the court in its discretion may likewise so also order that the defendant's conviction be set aside with the same effect as such an order under subdivision 1.*

*Such These orders restore the defendant to his civil rights and purge and free him the defendant from all penalties and disabilities arising from such his conviction and it shall not thereafter be used against him, except in a criminal prosecution for a subsequent offense if otherwise admissible therein.*

*Subd. 3. The Minnesota corrections board shall file a copy thereof with the district court of the county in which the conviction occurred, whereupon the court shall order the conviction set aside and all records pertinent to the conviction sealed. These records shall only be reopened in the case of a judicial criminal proceeding thereafter instituted.*

*The term "records" shall include but is not limited to all matters, files, documents and papers incident to the arrest, indictment, information, trial, appeal dismissal and discharge, which relate to the conviction for which the order was issued.*

Sec. 6. Minnesota Statutes 1976, Section 242.46, Subdivision 3, is amended to read:

*Subd. 3. The corrections board commissioner shall provide probation services to juvenile courts in counties that request it or as required by section 260.311 ; it . He shall in cooperation cooperate with the judges concerned to provide supervision to probation officers in all counties of not more than 100,000 200,000 population, in order to insure high uniform standards of operation. The costs of administrative and supervisory services shall be borne by the state. The commissioner shall give newly employed probation and parole agents appropriate orientation training and shall provide systematic inservice training to all such agents thereafter, and for that purpose may assign agents to appropriate short courses at the University of Minnesota and necessary conferences and meetings held within the state.*

Sec. 7. Minnesota Statutes 1976, Section 243.23, is amended to read:

*243.23 [COMPENSATION PAID TO INMATES.] Subdivision 1. Notwithstanding any law to the contrary, the commissioner of corrections is authorized and empowered to may provide for the payment to inmates of correctional institutions under his management and control of such any pecuniary compensation*



as he ~~may deem~~ *deems* proper, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner of corrections and the warden or superintendent ; ~~provided that such inmates~~ . *Inmates* who because of illness or physical disability cannot work may be paid a minimal amount per day as determined by the commissioner. ~~Such~~ *These* earnings shall be paid out of the fund provided for the carrying on of the work in which the inmate is engaged when employed on state account, or from the current expense fund of the institution as the commissioner of corrections ~~shall determine~~ *determines* .

*Subd. 2. The commissioner may promulgate rules requiring the inmates of adult correctional institutions under his control to pay all or a part of the cost of their board, room, clothing, medical, dental and other correctional services. These costs are payable from any earnings of the inmate, including earnings from private industry established at state correctional institutions pursuant to section 243.88.*

*Subd. 3. Notwithstanding sections 241.01, subdivision 8; 241.26, subdivision 5; and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, and for the discharge of any legal obligations arising out of litigation under this subdivision. Any inmate of an adult correctional institution under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner shall conditionally release an inmate who is a party to an action under this subdivision, and provide for his detention during those times when he is not engaged in preparation and defense, in a local detention facility convenient to the place of the hearing.*

Sec. 8. Minnesota Statutes 1976, Section 260.311, Subdivision 5, is amended to read:

*Subd. 5. [REIMBURSEMENT OF COUNTIES.] In order to reimburse the counties for the cost which they assume under Laws 1959, Chapter 698, of providing probation and parole services to wards of the commissioner of corrections and the Minnesota corrections board and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50 percent of ~~such the~~ costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing herein shall be deemed to invalidate any payments to counties made pursuant to this section before the effective date of Laws 1963, Chapter 694. ~~Reimbursement shall be made only for probation officers' salary costs.~~ Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. *On or before October 30 of each year each county or group of counties shall submit to the commissioner of corrections an estimate of its costs hereunder. Reimbursement shall be made on the basis of the estimate or actual expenditures**

*incurred, whichever is less. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the judge of juvenile court based on the officer's length of service and performance. The judge of juvenile court shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient.*

Sec. 9. Minnesota Statutes 1976, Section 401.02, is amended by adding subdivisions to read:

*Subd. 3. Any county or group of counties which have qualified for participation in the community corrections subsidy program provided by this chapter may reorganize its administrative structure, including but not limited to court services and probation, to conform with the requirements of subdivision 1 of this section notwithstanding any inconsistent general or special law.*

*Subd. 4. Probation officers serving the district courts of counties participating in the subsidy program established by this chapter may, without order or warrant, when it appears necessary to prevent escape or enforce discipline, take and detain a probationer or parolee and bring him before the court or the Minnesota corrections board respectively, for appropriate action by the court or the board. No probationer or parolee shall be detained more than 72 hours, exclusive of Saturdays and Sundays, pursuant to this subdivision without being provided with the opportunity for a hearing before the court or the board.*

Sec. 10. Minnesota Statutes 1976, Section 401.04, is amended to read:

**401.04 [ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES.]** Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 401.01, and (c) employ a director and such other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01 to 401.16. To the extent that participating counties shall assume and take over state correctional services presently provided in such counties, employment shall be given to those state officers, employees and agents thus displaced; if hired by a county, such employment shall, to the extent possible and notwithstanding the provisions of any other law or ordinance to the contrary, be deemed a

transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state.

*State employees displaced by county participation in the subsidy program provided by this chapter are on layoff status and, if not hired by a participating county as provided herein, may exercise their rights under layoff procedures established by law or union agreement whichever is applicable.*

Sec. 11. Minnesota Statutes 1976, Section 401.08, Subdivision 1, is amended to read:

401.08 [CORRECTIONS ADVISORY BOARD; MEMBERS; DUTIES.] Subdivision 1. The corrections advisory board provided in section 401.02, subdivision 1 shall consist of at least 18 but not more than 20 members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the lay citizen, and shall be appointed as follows:

~~(1) the law enforcement representation shall consist of a sheriff, and a chief of police (selected by the chiefs of police of the county), or their respective designees;~~

~~(2) (1) the prosecution representative shall be either the county attorney or his designee;~~

~~(3) (2) the judiciary representatives shall be designated by the chief judge of each district and county court district, and shall include judges representative of courts having felony, misdemeanor and juvenile jurisdiction respectively;~~

~~(4) (3) education shall be represented by an academic administrator appointed by the chairman of the board of county commissioners with the advice and consent of the members of the board;~~

~~(5) (4) the director of a county welfare board or his designee;~~

~~(6) (5) the public defender or his designee;~~

~~(7) (6) with the advice and consent of the other members of the county board, the chairman shall appoint the following additional members of the corrections advisory board:~~

*(a) two representatives of law enforcement agencies or their designees, at least one of whom shall be from an agency headed by an elected official;*

~~(a) (b) one parole or probation officer;~~

~~(b) (c) one correctional administrator;~~

~~(c) (d) a representative from a social service agency, public or private;~~

~~(d) (e) an ex-offender;~~

~~(e) (f) a licensed medical doctor or other representative of the health care professions;~~

~~(f) (g) at least four, but no more than six citizens, provided, however, that if the ethnic minorities resident in the county~~

exceed the percentage of ethnic minorities in the state population, at least two of the citizen members shall be members of an ethnic minority group.

If two or more counties have combined to participate in the subsidy authorized by this chapter, the commissioner of corrections may increase the size of the community corrections advisory board to include one county board member from each participating county.

Sec. 12. Minnesota Statutes 1976, Section 401.13, is amended to read:

401.13 [CHARGES MADE TO COUNTIES.] Each participating county will be charged a sum equal to the per diem cost of confinement of those persons committed to the commissioner ~~or the youth conservation commission~~ after August 1, 1973, and confined in a state institution. Provided, however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds five years, nor shall the amount charged a participating county for the costs of confinement exceed the amount of subsidy to which the county is eligible. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties, *making necessary adjustments to reflect the actual costs of confinement. However, in no case shall the percentage increase in the amount charged to the counties exceed the percentage by which the appropriation for the purposes of sections 401.01 to 401.16 was increased over the preceding biennium.* All charges shall be a charge upon the county of commitment.

Sec. 13. Minnesota Statutes 1976, Section 401.16, is amended to read:

401.16 [WITHDRAWAL FROM PROGRAM.] Any participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners, notify the commissioner of its intention to withdraw from the subsidy program established by sections 401.01 to 401.16, and ~~such~~ *the* withdrawal shall be effective the last day of the last month of the quarter in which ~~such~~ *the* notice was given. *Upon withdrawal, the unexpended balance of moneys allocated to the county, or that amount necessary to reinstate state correctional services displaced by that county's participation, including complement positions, may, upon approval of the legislative advisory commission, be transferred to the commissioner for the reinstatement of the displaced services and the payment of any other correctional subsidies for which the withdrawing county had previously been eligible.*

Sec. 14. Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2, are repealed."

Amend the title by striking it and inserting:

"A bill for an act relating to corrections; prescribing duties of the commissioner for parole and probation; prescribing powers

of probation officers; providing for reimbursement to counties for probation services; authorizing disposition of juvenile offenders; authorizing the sealing of criminal records; authorizing certain investigations; authorizing accounts of funds of inmates; clarifying powers of counties under and procedures for withdrawal from community corrections programs; amending Minnesota Statutes 1976, Sections 242.09; 242.10; 242.14; 242.18; 242.31; 242.46, Subdivision 3; 243.23; 260.311, Subdivision 5; 401.02, by adding subdivisions; 401.04; 401.08, Subdivision 1; 401.13; and 401.16; repealing Minnesota Statutes 1976, Sections 242.01; 242.02; 242.03; 242.12; 242.13; 242.15; 242.16; 242.17; 242.19, Subdivision 1; 242.25; 242.26; 242.27; 242.28; 242.29; 242.30; 242.33; 242.34; 242.35; 242.36; 242.38; and 242.46, Subdivisions 1 and 2."

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

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

S. F. No. 397: A bill for an act relating to the department of natural resources; providing conservation officers with the powers of peace officers; amending Minnesota Statutes 1976, Section 84.028, Subdivision 3.

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

Page 2, line 4, strike "local"

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

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

S. F. No. 79: A bill for an act relating to real estate; placing restrictions on who may acquire title; providing enforcement powers; providing penalty; amending Minnesota Statutes 1976, Chapter 500, by adding a section; repealing Minnesota Statutes 1976, Section 500.22.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 500, is amended by adding a section to read:

[500.221] [RESTRICTIONS ON ACQUISITION OF TITLE.]  
Subdivision 1. [DEFINITIONS.] *For purposes of this section, "agricultural land" means land capable of use in the production of agricultural crops, livestock or livestock products, poultry or poultry products, milk or dairy products, or fruit and other horticultural products, but does not include any land zoned by a local governmental unit for a use other than and nonconforming with agricultural use.*

**Subd. 2. [ALIENS AND NONAMERICAN CORPORATIONS.]** *Except as hereinafter provided, no natural person shall hereafter acquire directly or indirectly any interest in agricultural land unless he be a citizen of the United States or a permanent resident alien of the United States and no corporation, partnership, limited partnership, trustee, or other business entity shall hereafter, directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial or otherwise, in any title to agricultural land unless at least 80 percent of each class of stock issued and outstanding or 80 percent of the ultimate beneficial interest of such entity is held directly or indirectly by citizens of the United States or permanent resident aliens. This section shall not apply to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, that all agricultural land so acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership. Further, the provisions of this section shall not apply to citizens or subjects of a foreign country whose rights to hold land are secured by treaty or lands used for transportation purposes by a common carrier, as defined in section 218.011, subdivision 2.*

**Subd. 3. [ENFORCEMENT.]** *If the attorney general has reason to believe that any person is violating subdivision 2, he shall commence an action in the district court in which any agricultural land relative to the violation is situated, or if situated in two or more counties, in any county in which a substantial part of the land is situated. The attorney general shall file for record with the county recorder or the registrar of titles of each county in which any portion of said land is located a notice of the pendency of the action as provided in section 557.02. If the court finds that the land in question is being held in violation of subdivision 2, it shall enter an order so declaring. The attorney general shall file for record any such order with the county recorder or the registrar of titles of each county in which any portion of said land is located. Thereafter, the natural person, corporation, partnership, limited partnership, trustee or other business entity, owning such land shall have a period of one year from the date of the order to divest itself of the lands. The aforementioned one year limitation period shall be deemed a covenant running with the title to the land against any grantee or assignee or successor corporation. Any land not so divested within the time prescribed shall be sold at public sale in the manner prescribed by law for the foreclosure of a mortgage by action. In addition, any prospective or threatened violation may be enjoined by an action brought by the attorney general in the manner provided by law. No title to land shall be invalid or subject to forfeiture by reason of the alienage of any former owner or person having a former interest therein.*

**Subd. 4. [REPORTS.]** *Any natural person, corporation, partnership, limited partnership, trustee, or other business entity prohibited from future acquisition of agricultural land may retain title to any agricultural land within this state acquired prior to the effective date of this act, but it shall file a report with the com-*

*missioner of agriculture within 60 days after the effective date of this act containing a description of all agricultural land held within this state, the purchase price and market value of the land, the use to which it is put, the date of acquisition and any other reasonable information required by the commissioner. The commissioner shall make the information available to the public.*

*Subd. 5. [PENALTY.] Willful failure to properly register any parcel of land as required by subdivision 4 is a gross misdemeanor. Each full month of failure to register is a separate offense.*

*Sec. 2. [REPEALER.] Minnesota Statutes 1976, Section 500.22, is repealed.*

*Sec. 3. This act is effective the day following its final enactment."*

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

Mr. Laufenburger from the Committee on Employment, to which was re-referred

S. F. No. 691: A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small businesses; appropriating money; amending Minnesota Statutes 1976, Chapter 574, by adding a section.

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

Page 1, line 16, strike "*deprived*" and insert "*disadvantaged*"

Page 1, line 18, after "*partially*" strike "*or*"

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

Page 1, line 23, strike "*deprived*" and insert "*disadvantaged*"

Page 2, after line 5 insert:

*"Subd. 2. [PARTICIPATION LIMIT.] No small business or small business owned and operated by economically and socially disadvantaged persons shall be eligible for bonding pursuant to this section for a period of more than five years from the date that the small business or small business owned and operated by economically and socially disadvantaged persons received its first bond pursuant to this section."*

Page 2, line 6, strike "*2*" and insert "*3*"

Page 2, line 10, strike "*deprived*" and insert "*disadvantaged*"

Page 2, after line 13 insert:

*"Subd. 4. [ENCUMBRANCE NOT APPLICABLE.] Agreements of indemnity entered into pursuant to subdivision 1 shall not be subject to encumbrance requirements imposed by other provisions of the law."*

Page 2, line 16, after "*\$*" insert "*140,000*"

Page 2, line 18, after "*\$*" insert "*200,000*"

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

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

H. F. No. 21: A bill for an act relating to elections; providing that certificates of election to the legislature be sent to the legislature; amending Minnesota Statutes 1976, Section 204A.54, Subdivision 1.

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

Page 1, lines 11 to 13, strike all the new language

Page 1, line 17, after "and" insert "*, except as otherwise provided in this subdivision for election certificates of state legislators, shall*"

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was referred

H. F. No. 176: A bill for an act relating to drivers licenses; providing that nonqualification certificates may be issued to applicants who are 14 years of age or older; amending Minnesota Statutes 1976, Section 171.07, Subdivision 3.

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

Page 2, line 5, strike "*the*"

Page 2, strike line 6 and insert "*August 2, 1977.*"

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

Mr. Olson from the Committee on General Legislation and Veterans Affairs, to which was re-referred

S. F. No. 324: A bill for an act relating to drivers licenses; increasing the fee for driver's licenses, and establishing a fee for non-qualification certificates; providing for uniform application fees; amending Minnesota Statutes 1976, Section 171.06, Subdivisions 1, 2, and 4.

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

Page 2, line 16, strike "Such" and insert "*The*"

Page 2, line 18, strike "such" and insert "*the*"

Page 3, after line 15 insert

"Sec. 4. Minnesota Statutes 1976, Section 171.07, Subdivision 3, is amended to read:



Subd. 3. Upon payment of the required fee for a driver's license bearing a colored photograph, the department may issue to every applicant, the age of 16 years or over, who does not physically qualify for a driver's license, or any person not currently licensed to drive, who does not intend to apply for a driver's license under this section or who wishes to discontinue driving and surrenders his current driver's license, a nonqualification certificate. The certificate shall bear thereon a colored photograph, a distinguishing number assigned to the applicant, the full name, date of birth, residence address, a description of the applicant in such manner as the commissioner deems necessary, and a space upon which the applicant shall write his usual signature with pen and ink.

Each nonqualification certificate shall be on an all plastic or laminated plastic card of a distinguishing color and plainly marked "non-driver." "

Amend the title as follows:

Page 1, line 6, strike "Section" and insert "Sections"

Page 1, line 7, before the period insert "; and 171.07, Subdivision 3"

And when so amended the bill do pass. Mr. Purfeerst questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

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

S. F. No. 498: A bill for an act relating to public drainage systems; increasing the authorized interest rates on bonds; limiting assessment levies for repairs and maintenance; providing for a redetermination of benefits and benefited areas; amending Minnesota Statutes 1976, Sections 106.411, Subdivisions 3, 4 and 7; and 106.471, Subdivision 2; and Chapter 106, by adding a section.

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

Page 1, after line 11, insert

"Section 1. Minnesota Statutes 1976, Section 106.015, Subdivision 5, is amended to read:

Subd. 5. Any judicial ditch or judicial drainage system in existence on June 30, 1971, may be changed to 1977, is a joint county ditch or drainage system. Such change may be initiated by order of the district court having jurisdiction of the ditch or the county boards of the counties in which the ditch is located by a petition to the said district court. No such change shall be made until the district court has held a hearing thereon. Due notice of the proposed change together with the time and place of hearing shall be given by two weeks published notice in a legal newspaper of general circulation in the area involved. All interested persons may appear and be heard. Following the hearing the district court may make its order directing that the judicial

ditch or judicial drainage system be changed to a joint county or drainage system if the court finds that the change would be in the public welfare or public interest. If the change is ordered by the court Any judicial ditch proceeding pending on June 30, 1977, shall be continued as a judicial ditch proceeding to conclusion but thereafter the ditch or drainage system involved shall be a joint county ditch or drainage system. The files and records of the a judicial ditch or judicial drainage system that becomes a joint county ditch or drainage system shall be transferred from the clerk of the district court to the county auditor of the county containing the largest area of land over which the ditch passes. Thereafter, the county boards of the respective counties shall proceed to appoint members of the respective boards as the an administrative authority as provided in subdivision 2. The ditch authority shall have the same powers as provided in subdivision 3 and the county boards of the respective counties shall have the same duties and powers as provided in subdivision 4.

Sec. 2. Minnesota Statutes 1976, Section 106.371, Subdivision 2, is amended to read:

Subd. 2. The principal of the lien shall bear interest at a rate to be fixed by the board, not to exceed six seven percent per annum from the date of the filing of the lien statement in the office of the county recorder. All interest shall constitute an additional lien on all lands and properties until fully paid and shall be due and payable as follows:

Subsequent to November 1 of each year, after the filing of the lien statement until the whole amount of the lien and interest is paid, and before the tax lists for such year are turned over to the county treasurer, the auditor shall compute the interest on the unpaid balance of the lien at the rate fixed by the board, and enter such interest, together with the instalment, if any then due, on the tax lists for the year. Such amount, instalment and interest, shall be collected in the same manner as real estate taxes for that year on the property in question are collected, collecting one-half of the total of such instalment and interest with and as a part of the real estate taxes on or before May 31 and one-half on or before October 31 of the succeeding year. The amount of interest to be entered shall be reckoned from the date of filing the lien to August 15 of the succeeding calendar year and thereafter from August 15 to August 15 of each succeeding year on the whole of the principal of the lien remaining from time to time unpaid. Interest on any lien may be paid at any time computed to the date of payment except that after the annual interest shall have been entered on the tax lists for the year, it shall be paid as entered without abatement for prepayment.

Sec. 3. Minnesota Statutes 1976, Section 106.371, Subdivision 4, is amended to read:

Subd. 4. All provisions of law now or hereafter existing relating to the collection of real estate taxes, so far as applicable hereto, are hereby adopted for the purpose of enforcing payment of such liens and instalments thereof and of the interest thereon, but in case of default, no penalty shall be added to any such

instalment of principal and interest but each defaulted payment, principal and interest, shall draw interest from the date of default until paid at ~~six~~ seven percent per annum."

Page 5, after line 23, insert:

"Sec. 9. [EFFECTIVE DATE.] *This act is effective the day following its final enactment.*"

Renumber the sections in sequence.

Amend the title as follows:

Line 2, after the semicolon insert "transferring the administration of judicial ditches to county boards; raising the interest rate limitation on ditch lien statements; increasing the interest rate limitation on certain penalties;"

Line 7, after "Sections" insert "106.015, Subdivision 5; 106.371, Subdivisions 2 and 4;"

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

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

H. F. No. 42: A bill for an act relating to firearms; clarifying the requirements for transportation of muzzle loading firearms; amending Minnesota Statutes 1976, Section 100.29, Subdivision 5.

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

Page 2, line 10, after "firearm" insert "*with a flintlock ignition*"

Page 2, line 11, strike "*the*" and insert "*any*"

Page 2, line 11, strike "*or pans if it has*" and insert "*and a muzzle loading firearm with*"

Page 2, line 12, strike "*flintlock*" and insert "*percussion*"

Page 2, line 12, after "*ignition*" strike "*or*" and insert "*is fully unloaded*"

Page 2, line 12, strike "*or caps*"

Page 2, line 13, strike "*the*" and insert "*any*"

Page 2, line 13, strike "*or nipples if it has a percussion ignition*"

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

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

S. F. No. 597: A bill for an act relating to game and fish; requiring a migratory waterfowl stamp; providing for the disposition of proceeds; appropriating funds; amending Minnesota Statutes 1976, Chapter 97, by adding sections; Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S. F. No. 131: A bill for an act relating to ethics; restricting activities of lobbyists; amending Minnesota Statutes 1976, Section 10A.04, Subdivision 4.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 10A.03, is amended by adding a subdivision to read:

*Subd. 3. The board shall notify by certified mail any lobbyist who fails to file a registration statement required by this section within the time required. A lobbyist who knowingly fails to file a registration statement required by this section within seven days after receiving notice from the board shall be guilty of a misdemeanor.*

Sec. 2. Minnesota Statutes 1976, Section 10A.04, Subdivision 2, is amended to read:

Subd. 2. Each report shall cover the time from the last day of the period covered by the last report to 15 days prior to the current filing date. The reports shall be filed with the board by the following dates:

- (a) ~~February~~ January 15
- (b) ~~March~~ April 15
- (c) ~~April~~ July 15
- (d) ~~June~~ October 15
- ~~(e) October 15~~

Sec. 3. Minnesota Statutes 1976, Section 10A.04, Subdivision 4, is amended to read:

Subd. 4. The report shall include such information as the board may require from the registration form and the following information for the reporting period:

(a) The lobbyist's total disbursements on lobbying and a breakdown of those disbursements into categories specified by the board, including but not limited to the cost of publication and distribution of each publication used in lobbying; other printing; media, including the cost of production; postage; travel; fees, including allowances; entertainment; telephone and telegraph; and other expenses;

(b) The amount and nature of each honorarium, gift, loan, item or benefit, excluding contributions to a candidate, equal in

value to \$20 or more, given or paid to any public official by the lobbyist or any employer or any employee of the lobbyist. The list shall include the name and address of each public official to whom the honorarium, gift, loan, item or benefit was given or paid and the date it was given or paid; and

(c) Each original source of funds in excess of \$500 in any year used for the purpose of lobbying *and the actual amount received from each of these sources*. The list shall include the name, address and employer, or, if self-employed, the occupation and principal place of business, of each payer of funds in excess of \$500.

Sec. 4. Minnesota Statutes 1976, Section 10A.04, is amended by adding a subdivision to read:

*Subd. 4b. No later than March 1 of each year, every individual or association that employed or contracted for the services of a lobbyist during the preceding calendar year shall file a report with the board setting forth the name, business address and business phone number of the reporting individual or association and of the person making the report, and the total amount of compensation and fees paid by the reporting individual or association during the preceding calendar year for the personal lobbying services of any lobbyist.*

Sec. 5. Minnesota Statutes 1976, Section 10A.04, Subdivision 5, is amended to read:

*Subd. 5. The board shall notify by registered certified mail any lobbyist person who fails after to file a report required under this section within five days after a filing the date imposed by section 10A.03 or this section to file a on which the report or statement is required by section 10A.03 or this section to be filed. Any person who knowingly fails to file a report required by this section within seven days after receiving notice from the board shall be subject to a late filing fee of \$10 per day beginning on the eighth day after the lobbyist receives notice and not to exceed a total fee of \$200. The notice of the board shall advise the lobbyist of the late filing fee provided in this subdivision. A lobbyist Any person who knowingly fails to file such a report or statement required by this section within seven 28 days after receiving notice from the board is guilty of a misdemeanor.*

Sec. 6. Minnesota Statutes 1976, Section 10A.34, is amended by adding a subdivision to read:

*Subd. 1a. The board may bring an action in the district court of Ramsey county to recover any late filing fee imposed pursuant to any provision of this chapter. All money recovered pursuant to this subdivision shall be deposited in the general fund of the state."*

Amend the title as follows:

Page 1, strike lines 2 to 4 and insert:

"relating to lobbyists; changing lobbyist reporting dates; requiring employers of lobbyists to report compensation paid to lobbyists; requiring reporting of the actual amount paid by

original sources of lobbying money; imposing penalties; amending Minnesota Statutes 1976, Sections 10A.03, by adding a subdivision; 10A.04, Subdivisions 2, 4 and 5, and by adding a subdivision; and 10A.34, by adding a subdivision."

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 557: A bill for an act relating to employees; participation in group life insurance and group health care plans; prohibiting certain mandatory participation requirements; providing remedies; amending Minnesota Statutes 1976, Section 62E.03, by adding a subdivision; and Chapter 61A, by adding a section.

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

Pages 1 and 2, strike section 1

Page 2, line 8, strike "Sec. 2" and insert "Section 1"

Page 2, line 19, strike "for refusing" and insert "who pursuant to this section refuses"

Page 2, line 21, before the period insert "*who pursuant to this section refuses to contribute to an employee group life insurance plan*"

Page 2, line 25, after the period insert "*For the purposes of this section, "employer" means any natural person, company, corporation, partnership, association or firm which employs any employee. "Employee" is an individual as defined by section 62E.02, subdivision 8. This section shall not apply where a collectively bargained contract provides for mandatory participation in a group life insurance plan.*"

Amend the title as follows:

Page 1, line 3, strike "and group health care"

Page 1, line 6, strike "Section 62E.03, by adding a subdivision; and"

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

#### SECOND READING OF SENATE BILLS

S. F. Nos. 362, 96, 582, 600, 616, 498, 131 and 557 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### SECOND READING OF HOUSE BILLS

H. F. No. 21 was read the second time.

H. F. Nos. 176 and 42 were read the second time and referred

to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

### MOTIONS AND RESOLUTIONS

Mr. Schmitz moved that the names of Mrs. Brataas and Mr. Bang be added as co-authors to S. F. No. 598. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Peterson be added as co-author to S. F. No. 1118. The motion prevailed.

Mr. Penny moved that the name of Mr. Nelson be added as co-author to S. F. No. 1160. The motion prevailed.

Mr. Penny moved that the names of Messrs. Nelson and Lessard be added as co-authors to S. F. No. 1158. The motion prevailed.

Mr. Keefe, S. moved that the name of Mr. Nelson be added as co-author to S. F. No. 1152. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Sikorski be added as co-author to S. F. No. 1162. The motion prevailed.

Mr. Davies moved that S. F. No. 920 be withdrawn from the Committee on Local Government and returned to its author. The motion prevailed.

Mr. Olson moved that S. F. No. 1190 be withdrawn from the Committee on Judiciary and re-referred to the Committee on General Legislation and Veterans Affairs. The motion prevailed.

Mr. Willet moved that S. F. No. 157, No. 27 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Mr. Sieloff moved that H. F. No. 229 be withdrawn from the Committee on Employment and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Jensen moved that S. F. No. 1191 be withdrawn from the Committee on Local Government and re-referred to the Committee on Education. The motion prevailed.

Mr. Perpich moved that S. F. No. 101 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Judiciary. The motion prevailed.

### SUSPENSION OF RULES

Mr. Coleman moved that the rules of the Senate be so far suspended that S. F. No. 483, No. 1 on General Orders, be made a Special Order for immediate consideration. The motion prevailed.

### SPECIAL ORDER

S. F. No. 483: A bill for an act relating to the operation of state government; raising base salaries for certain executive branch employees, metropolitan agency officers, legislators, judges and judicial branch employees; limiting possible increases for certain

executive branch employees; limiting the ability of appointing authorities to fill certain unclassified positions; prohibiting salaries of employees of political subdivisions from exceeding the salary of the governor; prohibiting salaries of court referees from exceeding the salaries of judges; removing achievement awards; appropriating money; amending Minnesota Statutes 1976, Sections 3.099; 3.102; 3A.02, Subdivision 1; 15A.081, Subdivision 1, and by adding subdivisions; 15A.083; 43.067; 43.09, Subdivision 2a; 473.123, Subdivision 4; 473.141, Subdivision 7; 473.605, Subdivision 2; 487.01, Subdivision 5; 487.02, Subdivision 1; 488A.021, Subdivision 8; and 488A.19, Subdivision 10; repealing Minnesota Statutes 1976, Sections 3.13; 15A.081, Subdivision 4; 43.066; 43.069; 487.05 and 490.102, Subdivision 5.

Mr. Chenoweth moved to amend S. F. No. 483 as follows:

Page 14, after line 20, insert

*"A member who terminates service after the beginning of the 1979 session shall receive a monthly allowance for each year of service equal to two and one-half percent of his average monthly salary during his final term of office if he meets the age and service requirements of this subdivision; provided that a member who has service prior to the beginning of the 1979 session, shall receive in respect to that prior service a proportional monthly allowance based on the allowance determined pursuant to clause (4)."*

Page 14, strike lines 26 to 28

The motion prevailed. So the amendment was adopted.

Mr. Stokowski moved to amend S. F. No. 483 as follows:

Page 12, line 32, strike *"the president of the senate,"*

Page 13, line 1, strike *"assistant majority leader"*

Page 13, line 3, strike *"majority leader and"*

Page 13, line 4, strike *"150"* and insert *"140"*

Page 13, line 5, after the period insert *"The president, assistant majority leader and chairman of the finance committee of the senate, and the majority leader and chairman of the appropriations committee of the house shall be paid 125 percent of the compensation of other members."*

Mr. Pillsbury moved to amend the Stokowski amendment to S. F. No. 483, adopted by the Senate April 7, 1977, as follows:

In the page 13, line 4 amendment, strike *"140"* and insert *"125"*

In the last line of the amendment strike *"125"* and insert *"110"*

The question was taken on the adoption of the amendment to the Stokowski amendment.

The roll was called, and there were yeas 15 and nays 44, as follows:



Those who voted in the affirmative were:

Ashbach	Chmielewski	Engler	Keefe, J.	Renneke
Bernhagen	Davies	Frederick	Kirchner	Ueland, A.
Brataas	Dunn	Jensen	Pillsbury	Ulland, J.

Those who voted in the negative were:

Anderson	Hughes	Luther	Peterson	Staples
Benedict	Humphrey	McCutcheon	Purfeerst	Stokowski
Borden	Johnson	Menning	Schaaf	Strand
Chenoweth	Keefe, S.	Merriam	Schmitz	Stumpf
Coleman	Kleinbaum	Moe	Setzepfandt	Tennesen
Dieterich	Knoll	Nelson	Sieloff	Vega
Gearty	Laufenburger	Olhoff	Sikorski	Wegener
Gunderson	Lessard	Olson	Sillers	Willet
Hanson	Lewis	Penny	Spear	

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

The question recurred on the Stokowski amendment. The motion prevailed. So the amendment was adopted.

Mr. Chenoweth moved to amend S. F. No. 483 as follows:

Page 14, after line 25, insert:

*"In no event may a member retiring after the beginning of the 1979 session receive an allowance based on more than 20 years service, nor shall member contributions be required after 20 years service."*

The motion prevailed. So the amendment was adopted.

Mr. Chenoweth then moved to amend S. F. No. 483 as follows:

Page 14, after line 25, insert:

*"For the purposes of this chapter the term salary shall not be deemed to include any additional payments provided by law for legislative leadership or chairmanship positions."*

The motion prevailed. So the amendment was adopted.

#### CALL OF THE SENATE

Mr. Ashbach imposed a call of the Senate. The following Senators answered to their names:

Anderson	Frederick	Laufenburger	Penny	Spear
Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Luther	Peterson	Stokowski
Benedict	Hanson	McCutcheon	Pillsbury	Strand
Bernhagen	Hughes	Menning	Purfeerst	Stumpf
Borden	Humphrey	Merriam	Renneke	Tennesen
Brataas	Jensen	Milton	Schaaf	Ueland, A.
Chmielewski	Johnson	Moe	Schmitz	Ulland, J.
Coleman	Keefe, J.	Nelson	Schrom	Vega
Davies	Keefe, S.	Nichols	Setzepfandt	Wegener
Dieterich	Kirchner	Ogdahl	Sieloff	Willet
Dunn	Kleinbaum	Olhoff	Sikorski	
Engler	Knoll	Olson	Sillers	

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

Mr. Schaaf moved to amend S. F. No. 483 as follows:

Page 11, line 18, after "1." insert "[BASE SALARY.] The base salary of a legislator shall be \$8,400 per year. Effective with the start of the 1979 legislative session, the base salary shall be \$16,500 per year. Effective January 1, 1980, the base salary shall be \$18,500 per year.

Subd. 2. [INTERIM SALARY SUPPLEMENT.] In order to partially compensate a member of the legislature for income lost from his private occupation while conducting official legislative business when the legislature is not in session, each member commencing with the start of the 1979 legislative session shall receive a salary supplement in an amount not to exceed \$50 per day. The senate committee on rules and administration for senate members and the house committee on rules and legislative administration for house members shall prescribe rates of pay and procedures for the identification of official legislative business.

Subd. 3. [EXPENSE REIMBURSEMENT.] Commencing with the start of the 1979 legislative session a member of the legislature shall be reimbursed for expenses incurred in connection with official legislative business. In addition to reimbursement for expenses as provided for state employees, a member shall also be reimbursed for housing and other duplicative living expenses incurred as a result of a member having to leave his usual occupation and, in some cases, his permanent residence in order to serve in the legislature. The senate committee on rules and administration as to senate members and the house committee on rules and legislative administration as to house members shall establish eligible categories, maximum reimbursement rates and expense statement procedures for the reimbursement of these expenses.

Subd. 4. [PAYMENT SCHEDULE.]"

Page 12, lines 1 and 6, before "Each" insert "Prior to the start of the 1979 legislative session," in both places

Page 12, lines 11 to 16, strike the new language

Page 12, strike lines 24 to 30

Page 12, line 31, strike "3." and insert "5."

Page 21, line 16, strike "Section" and insert "Sections 3.101, 3.102, 3.103 and"

Page 21, line 16, strike "is" and insert "are"

Amend the title as follows:

Page 1, line 22, after "Sections" insert "3.101; 3.102; 3.103;"

Mr. Dunn moved a substitute amendment to the Schaaf amendment to S. F. No. 483 as follows:

Page 12, line 7, strike "such per diem" and insert "actual vouch-ered"

Page 12, line 7, after "expenses" insert "*in an amount not to exceed \$30 per day*"

Page 12, line 8, strike "in such amounts and"

Page 12, lines 11 to 16, strike the new language

Page 13, line 11, strike everything after "session"

Page 13, strike lines 12 and 13

Page 13, line 14, strike everything before "in"

### CALL OF THE SENATE

Mr. Ashbach imposed a call of the Senate for the balance of the proceedings on S. F. No. 483. The following Senators answered to their names:

Anderson	Frederick	Lessard	Pillsbury	Stokowski
Ashbach	Gearty	Lewis	Purfeerst	Strand
Bang	Gunderson	Luther	Renneke	Stumpf
Benedict	Hanson	Menning	Schaaf	Tennessen
Bernhagen	Hughes	Merriam	Schmitz	Ueland, A.
Borden	Humphrey	Moe	Schrom	Ulland, J.
Brataas	Jensen	Nelson	Setzepfandt	Vega
Chmielewski	Johnson	Nichols	Sieloff	Wegener
Coleman	Keefe, J.	Ogdahl	Sikorski	Willet
Davies	Keefe, S.	Olhoft	Sillers	
Dieterich	Kirchner	Olson	Solon	
Dunn	Kleinbaum	Penny	Spear	
Engler	Knoll	Peterson	Staples	

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

The question was taken on the adoption of the Dunn substitute to the Schaaf amendment.

The roll was called, and there were yeas 16 and nays 49, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Kirchner	Pillsbury	Sillers
Bernhagen	Jensen	Lessard	Renneke	Ueland, A.
Brataas	Keefe, J.	Ogdahl	Sieloff	Ulland, J.
Dunn				

Those who voted in the negative were:

Anderson	Gunderson	Luther	Penny	Spear
Benedict	Hanson	McCutcheon	Perpich	Staples
Borden	Hughes	Menning	Peterson	Stokowski
Chenoweth	Humphrey	Merriam	Purfeerst	Strand
Chmielewski	Johnson	Milton	Schaaf	Stumpf
Coleman	Keefe, S.	Moe	Schmitz	Tennessen
Davies	Kleinbaum	Nelson	Schrom	Vega
Dieterich	Knoll	Nichols	Setzepfandt	Wegener
Engler	Laufenburger	Olhoft	Sikorski	Willet
Gearty	Lewis	Olson	Solon	

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

The question recurred on the Schaaf amendment.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 3 and nays 61, as follows:

Messrs. Anderson, Merriam and Schaaf voted in the affirmative.

Those who voted in the negative were:

Ashbach	Frederick	Lewis	Peterson	Stokowski
Bang	Gearty	Luther	Pillsbury	Strand
Benedict	Gunderson	McCutcheon	Purfeerst	Stumpf
Bernhagen	Hanson	Menning	Renneke	Tennessee
Borden	Hughes	Milton	Schmitz	Ueland, A.
Brataas	Humphrey	Moe	Schrom	Ulland, J.
Chenoweth	Jensen	Nelson	Setzepfandt	Vega
Chmielewski	Johnson	Nichols	Sieloff	Wegener
Coleman	Keefe, J.	Ogdahl	Sikorski	Willet
Davies	Keefe, S.	Olhoft	Sillers	
Dieterich	Kirchner	Olson	Solon	
Dunn	Kleinbaum	Penny	Spear	
Engler	Laufenburger	Perpich	Staples	

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

Mr. Wegener moved to amend S. F. No. 483 as follows:

Page 12, line 14, strike "*substantially*" and insert "*at least 50 percent*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 65 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Olson	Sillers
Ashbach	Frederick	Laufenburger	Penny	Solon
Bang	Gearty	Lessard	Perpich	Spear
Benedict	Gunderson	Lewis	Peterson	Staples
Bernhagen	Hanson	Luther	Pillsbury	Stokowski
Borden	Hughes	McCutcheon	Purfeerst	Strand
Brataas	Humphrey	Menning	Renneke	Stumpf
Chenoweth	Jensen	Milton	Schaaf	Tennessee
Chmielewski	Johnson	Moe	Schmitz	Ueland, A.
Coleman	Keefe, J.	Nelson	Schrom	Ulland, J.
Davies	Keefe, S.	Nichols	Setzepfandt	Vega
Dieterich	Kirchner	Ogdahl	Sieloff	Wegener
Dunn	Kleinbaum	Olhoft	Sikorski	Willet

Mr. Merriam voted in the negative.

The motion prevailed. So the amendment was adopted.

S. F. No. 483 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 39 and nays 25, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Gearty	Humphrey	Kleinbaum
Benedict	Davies	Hanson	Johnson	Lessard
Borden	Dieterich	Hughes	Keefe, S.	Lewis

Luther	Moe	Peterson	Sikorski	Stumpf
McCutcheon	Nelson	Purfeerst	Solon	Tennessen
Menning	Ogdahl	Schaaf	Spear	Vega
Merriam	Olson	Schmitz	Staples	Willet
Milton	Perpich	Sieloff	Stokowski	

Those who voted in the negative were:

Ashbach	Dunn	Keefe, J.	Penny	Sillers
Bang	Engler	Kirchner	Pillsbury	Strand
Bernhagen	Frederick	Knoll	Renneke	Ueland, A.
Brataas	Gunderson	Nichols	Schrom	Ulland, J.
Chmielewski	Jensen	Olhoff	Setzepfandt	Wegener

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 10:30 o'clock a.m., Monday, April 11, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate