

THIRTY-FOURTH DAY

St. Paul, Minnesota, Wednesday, April 13, 1977

The Senate met at 7:30 o'clock p.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:

Benedict	Gearty	Laufenburger	Milton	Schmitz
Borden	Hughes	Lessard	Nelson	Schrom
Brataas	Johnson	Lewis	Olhoff	Sikorski
Chmielewski	Keefe, S.	Luther	Penny	Tennessee
Coleman	Kleinbaum	McCutcheon	Perpich	Ulland, J.
Davies	Knoll	Menning	Purfeerst	Vega
Dunn	Knutson	Merriam	Schaaf	

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

Prayer was offered by the Chaplain, Rabbi Mordacai Miller.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Humphrey was excused from this evening's Session. Mr. Laufenburger was excused from this evening's Session at 9:30 o'clock p.m. Messrs. Milton, Purfeerst and Schrom were excused from this evening's Session at 10:00 o'clock p.m.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

April 7, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the State Soil and Water Conservation Board is hereby respectfully submitted to the Senate for confirmation as required by law:

Thomas R. Schulz, Route 1, Box 140, Sebeka, Wadena County, has been appointed by me, effective March 22, 1977 for an indeterminate term.

Referred to the Committee on Agriculture and Natural Resources.

April 7, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Department of Commerce, Commissioner of Insurance is hereby respectfully submitted to the Senate for confirmation as required by law:

Berton W. Heaton, 838-22nd Avenue North, South St. Paul, Dakota County, has been appointed by me, effective January 1, 1977 for a term expiring the first Monday in January, 1983.

Referred to the Committee on Commerce.

April 12, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 74 and 86.

Sincerely,
Rudy Perpich, Governor

REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed by the Secretary of the Senate: Department of Public Safety, Biennial Report, 1974-76; Minnesota-Wisconsin Boundary Area Commission, Biennial Report, 1975-76; Minnesota Energy Agency, Energy Conservation in Room Air-Conditioners; Minnesota Higher Educa-

tion Coordinating Board, Development of Health Maintenance Organizations; Minnesota Energy Agency, Energy Conservation Report, Standing Pilot Lights, 1977; State Planning Agency, Biennial Report, 1976-77; Minnesota Housing Finance Agency, Biennial Report, 1977-79; Southeastern Minnesota Regional Development Commission, Organizing the Regional Community, 1976; Minnesota State Arts Board, Annual Report, 1976; State Planning Agency, Guide for Human Services, Reorganization of Delivery of State and Local Human Services; Commissioner of Administration, Regional Service Center, Bemidji, Minnesota; Department of Administration, Sale and Disposition of Surplus State Lands; Department of Administration, Interim Progress Report on the Energy Conservation Survey for Existing State-owned Facilities; Minnesota Family Farm Advisory Council, Recommendations to Promote Family Farms; Department of Public Safety, Liquor Control Division; Department of Corrections, Summary Report, Past Effort 1970-77, Future Directions 1978-81; Department of Finance, Financial Report, June 30, 1975 through June 30, 1976; Crime Victims Reparations Board, First Biennial Report, 1974-76; Joint Legislative Commission on Review of Administrative Rules, Biennial Report, 1975-76; Department of Health, Medical Malpractice Claims of Health Facilities in Minnesota; Commissioner of Agriculture, Report on Family Farm Security Act; Pollution Control Agency, Abandoned Motor Vehicle, Motor Vehicle Waste Program; Prevention of Cruelty to Animals, Expenditures for Public Information Programs; Commissioner of Public Safety, Alternative Methods for Registration of Motor Vehicles; Commissioner of Public Safety, Problems Related to the Operation of Bicycles on Public Roads and Ways; Commissioner of Public Welfare, Use of Fergus Falls State Hospital; State Court Administrator; Board of Licensed Practical Nursing; Board of Medical Examiners, Student Loans; Pollution Control Agency, Air and Solid Waste Pollution, Biennial Report; Pollution Control Agency, Solid Waste Generation, Biennial Report; Commissioner of Public Welfare, Biennial Report; Commissioner of Public Welfare, Cost of Living Report; University of Minnesota, Long-Range Plans for Expansion of Facilities; Board of Watchmakers, 1976; Board of Veterinary Medicine, 1976; Commissioner of Finance, Actions of Legislative Advisory Commission; Governor Rudy Perpich, State of the State Address, 1977; Governor Rudy Perpich, Budget Message, 1977; Higher Education Coordinating Board, Shortage of Doctors of Optometry and Osteopathy.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Olhoff, Peterson, Moe, Hanson and Sillers introduced—

S. F. No. 1250: A bill for an act relating to regional develop-

ment; mental health services; establishing a hospital policy board for Fergus Falls state hospital; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Knutson introduced—

S. F. No. 1251: A bill for an act relating to commitment and discharge of inebriate persons; length of commitment for inebriates; amending Minnesota Statutes 1976, Section 253A.07, Subdivisions 17 and 30.

Referred to the Committee on Judiciary.

Mr. Anderson introduced—

S. F. No. 1252: A bill for an act relating to claims against the state; altering conditions for waiver of immunity from suit by the Rum River Lumber Company; appropriating money; amending Laws 1975, Chapter 158, Section 4.

Referred to the Committee on Judiciary.

Mr. Milton introduced—

S. F. No. 1253: A bill for an act relating to retirement; annuity computation for certain public employees retirement annuitants.

Referred to the Committee on Governmental Operations.

Mr. Nichols introduced—

S. F. No. 1254: A bill for an act relating to taxes; providing for the property tax classification of large agricultural land holdings; amending Minnesota Statutes 1976, Section 273.13, Subdivision 4.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Milton and Kleinbaum introduced—

S. F. No. 1255: A bill for an act relating to agriculture; establishing a hydroponic research program; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Vega, Sikorski, Nelson and Chenoweth introduced—

S. F. No. 1256: A bill for an act relating to retirement; exemption from mandatory retirement for certain state employees; amending Minnesota Statutes 1976, Section 43.051, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Mr. Davies introduced—

S. F. No. 1257: A bill for an act relating to health care expenses; third party reimbursement of certain claims; requiring settlement within specified periods; prescribing civil penalties; amending Minnesota Statutes 1976, Sections 62A.04, Subdivision 2; 62C.14, by adding a subdivision; and Chapter 72A, by adding a section.

Referred to the Committee on Commerce.

Messrs. Davies, Knoll, Dieterich and Sieloff introduced—

S. F. No. 1258: A bill for an act relating to the uniform commercial code; providing for the appropriation of the proceeds of bulk transfers; providing for the payment of creditors; amending Minnesota Statutes 1976, Sections 336.6-107; 336.6-108; and 336.6-109; and Chapter 336 by adding a section.

Referred to the Committee on Judiciary.

Messrs. Hughes; Keefe, J. and Wegener introduced—

S. F. No. 1259: A bill for an act relating to taxation; changing definition of special levies for provisions limiting levies of governmental subdivisions; amending Minnesota Statutes 1976, Section 275.50, Subdivision 5.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Spear; Borden; Perpich; Keefe, S. and Sillers introduced—

S. F. No. 1260: A bill for an act relating to appropriations; providing funds for a statutory Indian business assistance program.

Referred to the Committee on Finance.

Messrs. Johnson and Olhoft introduced—

S. F. No. 1261: A bill for an act relating to public utilities; expiration, renewal, and transfer of telephone company certificates of authority; repealing Minnesota Statutes 1976, Section 237.16, Subdivisions 5 and 6.

Referred to the Committee on Commerce.

Mr. Engler introduced—

S. F. No. 1262: A bill for an act relating to the city of Lakeville; authorizing an increase in firemen's service pensions; amending Laws 1975, Chapter 125, Section 1.

Referred to the Committee on Governmental Operations.

Messrs. Engler, Setzepfandt and Sieloff introduced—

S. F. No. 1263: A bill for an act relating to taxation; providing that the trade in value of certain farm equipment be deducted from the purchase price of a motor vehicle for purposes of the

motor vehicle excise tax; amending Minnesota Statutes 1976, Section 297B.01, Subdivision 8.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Engler, Gunderson, Sillers and Hughes introduced—

S. F. No. 1264: A bill for an act relating to education; school attendance; defining a farm for purposes of determining pupil residence in more than one school district; amending Minnesota Statutes 1976, Section 120.065.

Referred to the Committee on Education.

Messrs. Spear, Merriam, Sikorski and Dieterich introduced—

S. F. No. 1265: A bill for an act relating to landlord and tenant; extending the time between service of the summons in unlawful detainer proceedings and the return day; providing for a stay of the writ of restitution in unlawful detainer proceedings in cases of substantial hardship; amending Minnesota Statutes 1976, Sections 566.05; 566.06; and 566.09.

Referred to the Committee on Judiciary.

Messrs. Spear, Merriam, Dieterich and Keefe, J. introduced—

S. F. No. 1266: A bill for an act relating to landlord and tenant; providing for actions to recover possession of property on the ground of nonpayment of rent; authorizing restitution of the premises under certain circumstances; amending Minnesota Statutes 1976, Section 504.02.

Referred to the Committee on Judiciary.

Messrs. Vega, McCutcheon, Engler and Knutson introduced—

S. F. No. 1267: A bill for an act relating to state government; state zoological board; providing for an ex officio member of the board from the county board of Dakota county; amending Minnesota Statutes 1976, Section 85A.01, Subdivision 1.

Referred to the Committee on Governmental Operations.

Mr. Chmielewski introduced—

S. F. No. 1268: A bill for an act relating to nonprofit health service plan corporations; requiring that public members control at least 51 percent of the voting rights on the board of directors; amending Minnesota Statutes 1976, Section 62C.07, Subdivision 2.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Schaaf introduced—

S. F. No. 1269: A bill for an act relating to transportation; extending the time for submission by the commissioner of cer-

tain proposals relating to certain modes of transportation; amending Minnesota Statutes 1976, Section 174.06, Subdivision 7.

Referred to the Committee on Transportation.

Messrs. Gunderson, Laufenburger, Olhoft, Bernhagen and Hughes introduced—

S. F. No. 1270: A bill for an act relating to state employees; providing optional health insurance coverage under the Minnesota employees group insurance plan for certain former employees retired because of a disability.

Referred to the Committee on Governmental Operations.

Mr. Schmitz introduced—

S. F. No. 1271: A bill for an act relating to the city of Savage; firemen's service pensions.

Referred to the Committee on Governmental Operations.

Mr. Penny introduced—

S. F. No. 1272: A bill for an act relating to Waseca county; authorizing participation in a mental health services program outside its region.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Penny; Ulland, J.; Anderson; Luther and Willet introduced—

S. F. No. 1273: A bill for an act relating to environmental conservation; directing the commissioner of administration to study and implement certain practices; promoting use of recycled and recyclable materials and supplies by state government; amending Minnesota Statutes 1976, Section 16.28.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chenoweth, Dieterich, Peterson and Frederick introduced—

S. F. No. 1274: A bill for an act relating to taxation; changing definitions of "current tax" for purposes of qualified property tax credit and "property taxes payable" for purposes of income adjusted homestead credit; amending Minnesota Statutes 1976, Sections 273.011, Subdivision 5; and 290A.03, Subdivision 13.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Vega, Milton, Coleman and Lewis introduced—

S. F. No. 1275: A bill for an act relating to health care; pro-

viding benefits for out-patient treatment of alcoholism, chemical dependency and drug addiction under certain health care plans; amending Minnesota Statutes 1976, Section 62A.149, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Vega and Knutson introduced—

S. F. No. 1276: A bill for an act relating to Dakota county; housing and redevelopment authority; establishing powers of the authority; providing compensation for commissioners; amending Laws 1971, Chapter 333, Section 2, as amended; repealing Laws 1971, Chapter 333, Section 3.

Referred to the Committee on Local Government.

Messrs. McCutcheon, Menning, Purfeerst and Olson introduced—

S. F. No. 1277: A bill for an act relating to motor vehicles; limiting the issuance of vehicle registration plates or tabs and title documents, and requiring driver license suspension, under certain circumstances; amending Minnesota Statutes 1976, Section 171.16, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. McCutcheon, Menning, Purfeerst and Olson introduced—

S. F. No. 1278: A bill for an act relating to motor vehicles; denying registration, reregistration and the issuance of title documents to the owner of a vehicle who fails to respond to a summons or citation for a parking violation; specifying information to be supplied on an application for registration or certificate of title to a motor vehicle; appropriating money; amending Minnesota Statutes 1976, Chapter 168, by adding a section; Sections 168.10, Subdivision 1; 168A.04, Subdivision 1; and 168A.05, Subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Moe, Ashbach, Chenoweth and Dunn introduced—

S. F. No. 1279: A bill for an act relating to the legislature; creating a federal aid coordinating commission to monitor the flow of federal funds into the state; requiring information and research; providing staff; requiring report to the legislature; appropriating money.

Referred to the Committee on Governmental Operations.

Mrs. Staples, Messrs. Solon and Laufenburger introduced—

S. F. No. 1280: A bill for an act relating to real estate; permitting certain detainer actions to be done by nonattorneys; pro-

viding that the automatic lease renewal prohibition shall apply only to leases over three months in duration; amending Minnesota Statutes 1976, Sections 481.02, Subdivision 3; and 504.21.

Referred to the Committee on Judiciary.

Messrs. Humphrey; Borden; Mrs. Staples; Messrs. Keefe, J. and Solon introduced—

S. F. No. 1281: A bill for an act relating to commerce; providing a penalty for violation of an assurance of discontinuance or an order of the court; amending Minnesota Statutes 1976, Section 325.907, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Laufenburger introduced—

S. F. No. 1282: A bill for an act relating to public health; authorizing school superintendents appointed to county nursing committees to designate certain other persons to serve in their place; amending Minnesota Statutes 1976, Section 145.12.

Referred to the Committee on Local Government.

Messrs. Johnson and Willet introduced—

S. F. No. 1283: A bill for an act relating to the operation of state government; transferring the division of enforcement and field service from the department of natural resources to the department of public safety where it shall be known as the division of conservation enforcement and safety; amending Minnesota Statutes 1976, Sections 84.081, Subdivision 1; 84.086, Subdivision 2; repealing Minnesota Statutes 1976, Section 84.028, Subdivision 3.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Perpich, Nelson, Solon and Johnson introduced—

S. F. No. 1284: A bill for an act relating to labor; providing for union notification of a member's injury or death; amending Minnesota Statutes 1976, Chapter 181, by adding a section.

Referred to the Committee on Employment.

Messrs. Anderson, Benedict, Engler, Olhoft and Menning introduced—

S. F. No. 1285: A bill for an act relating to local government; setting a time limit for local improvements; amending Minnesota Statutes 1976, Sections 429.021, Subdivision 3; 429.041, Subdivision 1; and Chapter 435, by adding a section.

Referred to the Committee on Local Government.

Mr. Anderson introduced—

S. F. No. 1286: A bill for an act relating to Chisago county and

the issuance of revenue bonds and the acquisition of property by said county for apartment buildings for elderly persons of low and moderate income.

Referred to the Committee on Local Government.

Mr. Johnson introduced—

S. F. No. 1287: A resolution opposing location of radioactive waste storage facilities within Minnesota.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Anderson, Olson, Olhoft, Sillers and Wegener introduced—

S. F. No. 1288: A bill for an act relating to tax delinquent real estate; eliminating obsolete provisions relating to sale and redemption of tax delinquent real estate; amending Minnesota Statutes 1976, Sections 280.001; 280.07; 281.02; 281.36; and 281.37; repealing Minnesota Statutes 1976, Sections 279.32; 280.01; 280.02; 280.03; 280.04; 280.05; 280.06; 280.10; 280.11; 280.12; 280.13; 280.25; 280.26; 280.28; 280.29; 280.36; 281.15; 281.20; 281.24; 281.26; 281.27; 281.31; and 281.32.

Referred to the Committee on Judiciary.

Messrs. Anderson, Olson, Olhoft, Sillers and Wegener introduced—

S. F. No. 1289: A bill for an act relating to tax delinquent real estate; requiring notice to the commissioner of natural resources of forfeiture and sale of tax delinquent real estate; clarifying ownership of certain tax forfeited real estate; amending Minnesota Statutes 1976, Sections 281.23, Subdivision 8; 281.25; and 282.01, Subdivisions 1 and 3.

Referred to the Committee on Judiciary.

Mmes. Staples, Brataas and Mr. Spear introduced—

S. F. No. 1290: A bill for an act relating to juveniles; prescribing venue for neglect cases; amending Minnesota Statutes 1976, Section 260.121, Subdivision 1.

Referred to the Committee on Judiciary.

Mrs. Staples, Messrs. Kirchner and Spear introduced—

S. F. No. 1291: A bill for an act relating to venue for cases involving maltreatment of minors; amending Minnesota Statutes 1976, Chapter 627, by adding a section.

Referred to the Committee on Judiciary.

Messrs. Lewis; Spear and Ulland, J. introduced—

S. F. No. 1292: A bill for an act relating to juveniles; providing

for a police health and welfare hold; prescribing time limits; amending Minnesota Statutes 1976, Section 260.171, Subdivision 2, and by adding a subdivision.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Olson, Stokowski, Kleinbaum, Gearty and Knoll introduced—

S. F. No. 1293: A bill for an act relating to the Minnesota society for the prevention of cruelty; providing for the appointment of the members of the board of directors by the governor; amending Minnesota Statutes 1976, Section 343.01, by adding a subdivision.

Referred to the Committee on Governmental Operations.

Messrs. Ogdahl and Stokowski introduced—

S. F. No. 1294: A bill for an act relating to retirement; Minneapolis teachers retirement fund association; coordination with social security; early retirement; amending Minnesota Statutes 1976, Sections 355.281; 355.286; and Laws 1976, Chapter 238, Section 12.

Referred to the Committee on Governmental Operations.

Messrs. Tennesen, Merriam, McCutcheon, Davies and Gearty introduced—

S. F. No. 1295: A bill for an act relating to taxation; providing income tax deduction for travel expenses for medical purposes; amending Minnesota Statutes 1976, Section 290.09, Subdivision 10.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Purfeerst, Schaaf, Olson, Penny and Willet introduced—

S. F. No. 1296: A bill for an act relating to aeronautics; requiring boards of adjustment to grant or deny applications for zoning variances within six months; authorizing the commissioner of transportation to develop an air transportation system; amending Minnesota Statutes 1976, Section 360.015, Subdivision 14; 360.017, Subdivision 1; and 360.067, Subdivision 2.

Referred to the Committee on Transportation.

Messrs. Hanson and Johnson introduced—

S. F. No. 1297: A bill for an act relating to agriculture; dairy products; grade A pasteurized milk; increasing certification fees; amending Minnesota Statutes 1976, Section 32.394, Subdivisions 8 and 8a.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Olson, Schmitz, Setzepfandt and Dunn introduced—

S. F. No. 1298: A bill for an act relating to employments licensed by state; exempting registered professional engineers from water well contractor licensing provisions; amending Minnesota Statutes 1976, Section 326.03, by adding a subdivision.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Solon, Laufenburger, Bang, Mrs. Brataas and Mr. McCutcheon introduced—

S. F. No. 1299: A bill for an act relating to intoxicating liquors; removing prohibition against sale of liquor on election days; amending Minnesota Statutes 1976, Sections 340.034, Subdivision 1; and 340.14, Subdivision 1.

Referred to the Committee on Commerce.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 43 and 104.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 11, 1977

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. 22: A bill for an act relating to Lake of the Woods county; authorizing issuance of one off-sale liquor license.

Senate File No. 22 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned April 11, 1977

Mr. Menning moved that S. F. No. 22 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 293, 308, 316, 728, 903, 922, 930, 1003 and 40.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted April 11, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 293: A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

Referred to the Committee on Local Government.

H. F. No. 308: A bill for an act relating to retirement; Minnesota state retirement system; exclusion from pension coverage for certain tradesmen of the metropolitan waste control commission; amending Minnesota Statutes 1976, Sections 352.01, Subdivision 2B; 473.141, Subdivision 12; and 473.511, Subdivision 3.

Referred to the Committee on Rules and Administration.

H. F. No. 316: A bill for an act relating to wrongful death; authorizing the commencement of an action within three years from the date of death; amending Minnesota Statutes 1976, Section 573.02, Subdivision 1.

Referred to the Committee on Judiciary.

H. F. No. 728: A bill for an act relating to corrections; prescribing powers of probation officers; providing for reimbursement to counties for probation services; prescribing duties of the commissioner for parole and probation; 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.

Referred to the Committee on Judiciary.

H. F. No. 903: A bill for an act relating to public transportation; making state commuter vans available for use by blind vending operators working on state property; amending Minnesota Statutes 1976, Section 16.756.

Referred to the Committee on Transportation.

H. F. No. 922: A bill for an act relating to labor; authorizing certain payroll deductions; amending Minnesota Statutes 1976, Section 181.06.

Referred to the Committee on Employment.

H. F. No. 930: A bill for an act relating to the counties of Hennepin and Scott; directing the counties to design and construct a temporary replacement of the Bloomington ferry bridge.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 785, now on General Orders.

H. F. No. 1003: A bill for an act relating to motor vehicles; licensing and taxation; providing for biennial payment of the tax assessed on trailers; dimensional specifications for trailer number plates; amending Minnesota Statutes 1976, Sections 168.013, Subdivision 1d; and 168.12.

Referred to the Committee on General Legislation and Veterans Affairs.

H. F. No. 40: A bill for an act relating to real estate brokers and salespersons; establishing a prelicense educational requirement and a continuing educational requirement; restricting certain activities of council members; authorizing the commissioner to increase license terms; amending Minnesota Statutes 1976, Sections 82.20, by adding a subdivision; 82.22, Subdivision 6, and by adding a subdivision; 82.30, Subdivision 1; and 82.34, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 241, now on General Orders.

REPORTS OF COMMITTEES

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

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

S. F. No. 90: A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio officer of the state soil and water conservation board; amending Minnesota Statutes 1976, Section 40.03, Subdivision 1.

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 40.01, Subdivision 8, is amended to read:

Subd. 8. [AGENCY OF THIS STATE OR STATE AGENCY.] “Agency of this state” or “state agency” includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.

Sec. 2. Minnesota Statutes 1976, Section 40.01, is amended by adding a subdivision to read:

Subd. 15. [APPROPRIATE AGENCIES.] "Appropriate agencies" include any local, state or federal agency which possesses expertise, involvement or authority concerning the use and development of land and water resources, but does not include any district or the state board.

Sec. 3. Minnesota Statutes 1976, Section 40.02, is amended to read:

40.02 [PUBLIC POLICY; PURPOSE.] As a guide to the interpretation and application of this chapter, the public policy of the state is declared to be as follows. Improper land-use practices have caused and contributed to serious wind and water erosion of farm and grazing lands of this state by wind and water and that thereby topsoil is being washed out of fields and pastures and has speeded up the removal of the absorptive topsoil causing exposure of less absorptive and less protective, but more erosive, subsoil; and that, the runoff of polluting materials, increased costs to maintain agricultural productivity, increased energy costs and increased flood damage. Land occupiers have failed the responsibility to cause the discontinuance of such practice as creates this condition, and the consequences thereof have caused the deterioration of soil and its fertility and the deterioration of crops grown thereon, and declining yields therefrom, and diminishing of the underground water reserve, all of which have caused water shortages, intensified periods of drought, and crop failure, and thus brought about suffering, disease, and impoverishment of families and the damage of property from floods and dust storms; and that all of these effects may be prevented by land use practices contributing to the conservation of top soil by carrying on of engineering operations such as the construction of terraces, check dams, dikes, ponds, ditches, and the utilization of strip cropping, lister farrowing, contour cultivating, land irrigation, seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses implement the practices which correct these conditions and to conserve the soil and water resources of the state.

It is hereby declared that it is for the public welfare, health, and safety of the people of Minnesota to provide for the conservation of the policy of the state to encourage land occupiers to conserve the soil and soil water resources of this state, and for the control and prevention of soil erosion, for land resource planning and development, for through the implementation of land resource use practices that effectively reduce or prevent erosion, sedimentation, siltation and loss of the land base through activities associated with farming, mining, construction, forestry, and other activities of man, and for flood prevention or the conservation development, utilization, and disposal of water, including but not limited to, measures for fish and wildlife and recreational development, and thereby and agriculturally related pollution in order to preserve natural resources, insure continued soil productivity, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, and protect public lands by land use practices, as herein provided for.

Sec. 4. Minnesota Statutes 1976, Section 40.03, Subdivision 1, is amended to read:

40.03 [STATE SOIL AND WATER CONSERVATION BOARD.] Subdivision 1. [MEMBERS.] There is hereby established, to serve as an agency within the department of natural resources and to perform the functions conferred upon it in this chapter, the state soil and water conservation board to be composed of ~~11~~ 12 members, seven of whom shall be elected supervisors of soil and water conservation districts selected as herein provided. ~~Four members thereof shall be~~ *and the following five* ex-officio members composed of the following: The director of the agricultural extension service of the University of Minnesota; the dean of the Institute of Agriculture of the University of Minnesota; the director of the pollution control agency; the commissioner of agriculture; *and the commissioner of natural resources*. Each ex-officio member may designate a person within his organization to act in his stead as a member of the state board, with all his rights and privileges. The designation shall be filed with the secretary of state. The state board shall invite the state conservationist of the United States soil conservation service to serve as an advisory member. The state board may also invite a representative of the state association of soil and water conservation districts, the association of Minnesota counties, the league of municipalities *Minnesota cities* and ~~such~~ *any* other organizations and governmental appropriate agencies as may be deemed necessary to serve as advisory members. The ~~other~~ seven members of said *the* state board *who are elected supervisors* shall be appointed by the governor with the advice and consent of the senate ~~from nominees who are elected representatives of the state soil and water conservation districts~~. In making these appointments the governor may consider persons recommended by the state association of soil and water conservation district supervisors *districts*. One member shall be appointed from each department of natural resources region except that two members shall be appointed from region number one. ~~The state board shall keep a record of its official actions, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter. The state board shall exercise all powers and duties as conferred upon it by law.~~

Sec. 5. Minnesota Statutes 1976, Section 40.03, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEES.] The department of natural resources shall provide administrative functions of this section. The commissioner of natural resources shall make available by separate budget to the state soil and water conservation board ~~such~~ *the* staff services, funds for operation, and office space as are necessary for the administration and coordination of its functions. The state board shall be responsible to the commissioner for reporting purposes in regard to staff functions and ~~these~~ operations as ~~they~~ *which* relate to department activities.

The commissioner of natural resources shall, subject to approval of the state soil and water conservation board, provide an adminis-

trative officer and such technical experts and such other necessary permanent and temporary technical experts, agents and employees ; permanent and temporary, as it may require in carrying out this section, and . The state board shall determine their the personnel's qualifications and duties, and recommend compensation to the commissioner of personnel. The state board may call upon the attorney general for such necessary legal services as it may require . It shall have authority to prescribe the powers and duties of its officers and employees, and to delegate to its chairman or to one or more of its other officers or members or administrative officer such any of its own powers and duties as it may deem proper. The administrative officer is responsible to the state board and may be dismissed by the commissioner of natural resources only upon the advice and recommendation of the state board. All permanent personnel of the state board are employees of the department of natural resources and are in the classified service of the state except as otherwise required by statute. All rights, duties and responsibilities of the existing staff of the state board on November 12, 1971 shall remain unchanged except as may be agreed upon by the state board and the commissioner. Upon request of In order to perform its duties, the state board ; for the purpose of carrying out any of its functions, may request information from the supervising officer of any state agency ; or of any state institution of learning higher education , including the state universities, the community colleges, and the post-secondary vocational technical schools. The supervising officer shall ; insofar as may be comply with the state board's request to the extent possible under considering available appropriations ; and having due regard to the needs of the agency to which the request is directed, assign or detail to the state board members of the staff or personnel of the agency or institution of learning, and make such by assigning agency or institution employees to compile existing information and to complete special reports, surveys, or studies as the state board may request concerning the problems specified in section 40.02 .

Sec. 6. Minnesota Statutes 1976, Section 40.03, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS; QUORUM.] The state board shall designate its chairman, and may annually ; from time to time, change such its designation. A member of the state board shall hold office so long as he shall retain the office by virtue of which he shall be serving on the state board. A majority of the state board shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The state board shall provide for the keeping of keep a full and accurate record of all proceedings and of all resolutions, regulations- and orders issued or adopted its official actions. The state board may hold any public hearings necessary to execute its duties specified in this chapter . The legislative auditor shall annually audit the books of the state board.

Sec. 7. Minnesota Statutes 1976, Section 40.03, Subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] In addition to the powers and duties hereinafter conferred upon the state soil and water conservation board, it shall have the following powers and duties:

(1) Prepare and present to the commissioner of the department of natural resources a budget to finance the activities of the state board and the districts and to administer any law appropriating funds to districts;

(2) To Offer ~~such any appropriate~~ assistance as may be appropriate to the supervisors of soil and water conservation the districts, organized as provided hereinafter, in carrying out implementing any of their powers and programs. Any funds made available to a soil and water conservation district for expenditures necessary to for the operations of the district shall be a grant to the district to be used only for purposes authorized by the state board pursuant to law. The soil and water conservation district may designate the board of county commissioners to act as the agent of the district to receive and expend these funds at the direction and with the approval of the board of supervisors of the district. At least annually the state board shall audit, in a manner it prescribes, the expenditure of funds so granted;

(3) To Keep the supervisors of each of the several districts organized under the provisions of this chapter district informed of the activities and experience of all other districts organized hereunder, and to facilitate cooperation and an interchange of advice and experience between ~~such among the~~ districts and cooperation between them ;

(4) To Coordinate the programs and activities of the several soil and water conservation districts organized hereunder, so far as this may be done with appropriate agencies by advice and consultation;

(5) Approve or disapprove the plans or programs of districts as they relate relating to the use of state funds as administered by the state board;

(6) To Secure the cooperation and assistance of the United States and any of its agencies, and of appropriate agencies of this state, in the work of such the districts and to develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding and agriculturally related pollution control programs ;

(7) To disseminate Develop and implement a comprehensive public information throughout the state program concerning the districts' activities and programs of the soil and water conservation districts organized hereunder, the problems and preventive practices of erosion, sedimentation, agriculturally related pollution, flood prevention, and to encourage the advantages of formation of such districts in areas where their organization is desirable; and

(8) To Subdivide and consolidate districts without a hearing

or a referendum so as to confine districts within county limits, provided, ~~further,~~ that no district, when feasible and practicable, shall contain less than four full or fractional congressional townships ;

(9) *Assist in the implementation of a statewide program for inventorying and classification of the types of soils throughout the state as determined by the Minnesota cooperative soil survey;*

(10) *Conduct research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state;*

(11) *Develop programs to reduce or prevent soil erosion, sedimentation, flooding and agriculturally related pollution, including but not limited to structural and land-use management practices;*

(12) *Develop a system of priorities within the state to identify the erosion, flooding, sediment and agriculturally related pollution problem areas that are most severely in need of control systems; and*

(13) *Ensure compliance with statewide programs established by the state board pursuant to this section by advice, consultation, and approval of cost-sharing contracts with the districts .*

Sec. 8. Minnesota Statutes 1976, Chapter 40, is amended by adding a section to read:

[40.035] [PROGRAM PLAN.] *Subdivision 1. The state board shall prepare, in consultation with the districts and appropriate agencies, a program plan for the accomplishment of its duties specified in section 40.03, subdivision 4. The state board shall use this program plan in decisions to allocate funds to the districts. The state board shall give immediate emphasis to the determination of priority areas within the state where erosion, sedimentation and related water quality problems appear most in need of control methods and to the development of the comprehensive public information program.*

Subd. 2. For the purpose of developing the program plan, the state board may request any existing pertinent information from any state agency pursuant to section 40.03, subdivision 2, and may conduct any hearing it deems necessary.

Subd. 3. The plan shall be coordinated as closely as possible with other statewide resource plans, such as the statewide framework water resources plan and the statewide water quality management plan.

Subd. 4. The state board shall review and revise the plan at intervals it deems appropriate.

Sec. 9. Minnesota Statutes 1976, Chapter 40, is amended by adding a section to read:

[40.036] [COST SHARING CONTRACTS FOR EROSION CONTROL AND WATER MANAGEMENT.] *Subdivision 1. Within the limits of available funds, the state board may allocate funds to districts to be used to share the cost of implementing any system or practices for erosion control and water quality improvement which are designed to protect and improve the state's soil and water resources. Any district board requesting funds of the state board shall submit a comprehensive plan completed pursuant to section 40.07, subdivision 9, and an application on the form prescribed by the state board. After review of the district's comprehensive plan, the state board shall approve it with any necessary amendments or reject it. If the state board approved the district's comprehensive plan, it shall also determine the specific amount of funds to allocate to the district for the purpose of cost-sharing contracts. Neither the state board nor the district board shall furnish any financial aid for practices designed only for an increase in land productivity.*

Subd. 2. Within the limits of funds available, a district board may contract on a cost share basis to furnish financial aid to a land occupier or to a state agency for the implementation of permanent systems for erosion control and water quality improvement which are consistent with the district's comprehensive plan developed pursuant to section 40.07, subdivision 9. The duration of the contract may be the time required to complete the planned systems. A contract may provide for cooperation or funding with United States agencies. Every contract shall specify that the land occupier is liable for monetary damages, not to exceed the amount of financial assistance he received from the district, if he fails to timely complete or maintain the systems or practices as specified in the contract. A land occupier or any state agency may provide the cost-sharing portion of the contract through in-kind services.

Subd. 3. The state board shall promulgate rules specifying the procedures and criteria for allocating funds to districts for cost-sharing contracts. The rules shall also include standards and guidelines which the districts shall include in all cost-sharing contracts. The state board may for the purpose of implementing this section exercise emergency power and adopt emergency rules pursuant to section 15.0412, subdivision 5. No emergency rules may be adopted by the state board pursuant to this subdivision after July 1, 1978.

Subd. 4. Before November 15, 1978, the state board shall submit a report to the legislature, as provided in section 3.195, concerning the status of cost-sharing contract programs authorized by this section.

Sec. 10. Minnesota Statutes 1976, Section 40.07, Subdivision 1, is amended to read:

40.07 [POWERS OF DISTRICT BOARDS.] *Subdivision 1. A soil and water conservation district organized under the provisions of this chapter shall constitute a governmental and political subdivision of this state, and a public body, corporate and politic,*

exercising public powers, and the district, and the supervisors thereof, shall have the *following* powers prescribed in this section, in addition to those otherwise prescribed by law :

Sec. 11. Minnesota Statutes 1976, Section 40.07, Subdivision 2, is amended to read:

Subd. 2. A district may conduct surveys, investigations, and research relating to the character of soil erosion and the preventive and control measures needed, publish the results of such surveys, investigations, or research, and disseminate information concerning such preventive and control measures; provided, however, ~~that to identify the problems and preventive practices specified in section 40.02.~~ In order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of the a state or any of its agencies, agency or with an agency of the United States or any of its agencies . A district may publish its comprehensive plan and the results of its surveys, investigations, and research and may disseminate information to the public concerning any of its activities.

Sec. 12. Minnesota Statutes 1976, Section 40.07, Subdivision 3, is amended to read:

Subd. 3. A district may conduct demonstration projects within the district on lands owned or controlled administered by this a state or any of its agencies agency , with the cooperation of the administering agency in control thereof , and on any other lands within the district with the consent of the owner or land occupier in control thereof , in order to demonstrate by example the means, methods, and measures for conservation of soil and water resources, for proper drainage, for the prevention and control of floods and pollution and for the prevention and control of soil erosion practices which implement the state policy specified in section 40.02 .

Sec. 13. Minnesota Statutes 1976, Section 40.07, Subdivision 4, is amended to read:

Subd. 4. A district may carry out constructive, preventive, and control measures implement any necessary practices within the district, including but not limited to engineering operations, structural measures and works of improvement for any purpose specified in this section or in section 40.02, methods of cultivation, the growing use of vegetation, and changes in use of land, and the measures referred to in section 40.02, on lands acquired by the district, and on other lands owned or controlled administered by this a state or any of its agencies agency , with the cooperation of the administering agency in control thereof , and on any other lands within the district , with the consent of the owner or land occupier in control thereof .

Sec. 14. Minnesota Statutes 1976, Section 40.07, Subdivision 5, is amended to read:

Subd. 5. A district may cooperate or enter into agreements with and, within the limits of available appropriations furnish financial or other aid to any *land occupier or appropriate agency, governmental or otherwise, or any occupier of lands in the carrying on of erosion control and prevention operations and other measures for the purposes to implement the policy specified or referred to in this section or section 40.02 within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter.*

Sec. 15. Minnesota Statutes 1976, Section 40.07, Subdivision 6, is amended to read:

Subd. 6. A district may ~~obtain options upon and acquire any rights or interests in real or personal property by option, purchase, exchange, lease, gift, grant, bequest, devise, or otherwise any property, real or personal, or rights or interest therein.~~ *It may maintain, operate, administer, and improve any properties acquired, may receive income from such the properties and to expend such the income in carrying out the purposes and implementing the provisions of this chapter, and may sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter.*

Sec. 16. Minnesota Statutes 1976, Section 40.07, Subdivision 7, is amended to read:

Subd. 7. A district may make available, on such terms as it shall prescribe, to land occupiers within the district, *any agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and such other material or equipment as which will assist such land occupiers to carry on operations implement upon their lands for the conservation of soil and water resources, for the prevention and control of soil erosion or for any other purpose specified in this chapter, and acts amendatory thereof the practices specified in section 40.02.*

Sec. 17. Minnesota Statutes 1976, Section 40.07, Subdivision 8, is amended to read:

Subd. 8. A district may construct, install, improve, maintain, and operate such *any* structures and works ~~as may be necessary or convenient for the performance of any of the operations authorized in this chapter.~~

Sec. 18. Minnesota Statutes 1976, Section 40.07, Subdivision 9, is amended to read:

Subd. 9. A district may develop *and revise a comprehensive plans for the conservation of soil and water resources and for the control and prevention of soil erosion within the district plan*, specifying the measures and practices ~~deemed necessary or desirable for the effectuation thereof to implement the state policy specified in section 40.02~~, including, without limitation, *engineering operations, the construction, maintenance, and operation of works*

structural measures, methods of cultivation, the growing use of vegetation, cropping programs, tillage mechanical practices, and changes in use of land; and may publish such plans and information and bring them to the attention of occupiers of lands within the district, and others concerned. Such plans shall be consistent with the state plan for water and related land resources and technical standards and specifications related thereto. The plans shall include a classification of the soil types within the district as determined by the Minnesota cooperative soil survey and the areas within the district where erosion, sedimentation and related water quality problems appear most in need of control methods. The plan shall be consistent with the statewide framework water resources plan, the statewide water quality management plan, and the state board's cost-sharing program plan.

Sec. 19. Minnesota Statutes 1976, Section 40.07, Subdivision 10, is amended to read:

Subd. 10. A district may take over by purchase, lease, or otherwise, and may improve, maintain, operate and administer any soil or water conservation, erosion-control, erosion-prevention, watershed protection, flood prevention or flood control project located within its boundaries undertaken by the United States or by this a state or any of their agencies, for or in connection with the acquisition, construction, operation, management or administration of any such project agency, may accept donations, gifts, grants, or contributions in money, services, materials, or otherwise from the United States or from this, any state or any of their agencies agency or from any other source, in order to accomplish the authorization in this section. A board may enter into any contract or agreement which may be necessary or appropriate for the purposes thereof, may comply with any applicable provisions of federal or state law to accomplish the transfer, and may use or expend such any moneys, services, materials, or other things in accordance with the applicable terms and conditions for to accomplish any authorized purpose of the district.

Sec. 20. Minnesota Statutes 1976, Section 40.07, Subdivision 11, is amended to read:

Subd. 11. A district may sue and be sued in the name of the district, have perpetual succession unless terminated as hereinafter provided, make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and make, amend, or repeal rules and regulations not inconsistent with this chapter to carry into effect its purposes and powers.

Sec. 21. Minnesota Statutes 1976, Section 40.07, Subdivision 12, is amended to read:

Subd. 12. As a condition to the extending of any benefits under this chapter to or for the performance of work upon any lands not owned or controlled administered by this a state or any of its agencies agency or by the district, the supervisors may require

compensation or contributions in money, services, materials, or otherwise commensurate with the cost or reasonable value of the operations or work conferring ~~such~~ *the* benefits.

Sec. 22. Minnesota Statutes 1976, Section 40.07, Subdivision 14, is amended to read:

Subd. 14. A district may *submit any application and* enter into any agreement or contract with the secretary of agriculture or other designated authority ~~which may be necessary or appropriate for the purpose of obtaining or using federal assistance under the provisions of said Public Law 566 ; or any act amendatory thereof or supplementary thereto, or under any other law providing for federal assistance for any authorized purpose of the district ; or for the construction, maintenance, and operation of works of improvement as defined in said act or amendatory act or other applicable federal law; .~~ A district may acquire without cost to the federal government ~~such any~~ land, easements, or rights-of-way as will be needed in connection with works of improvement installed with federal assistance; may assume ~~such the~~ proportionate share of the cost of installing any works of improvement involving federal assistance as may be determined by the secretary or other designated authority to be equitable in consideration of anticipated benefits from ~~such the~~ improvements; may make arrangements satisfactory to the secretary or other authority for defraying costs of operating and maintaining ~~such the~~ works of improvement in accordance with ~~prescribed~~ regulations ~~prescribed by secretary of agriculture, or other designated authority ;~~ may acquire or provide assurance that land ~~owners occupiers~~ have acquired ~~such the~~ water rights and other rights, pursuant to state law, as may be needed in the installation, maintenance, and operation of ~~such the~~ works of ~~improvements~~ improvement ; may obtain agreements to carry out recommended soil and water conservation measures and ~~proper~~ prepare farm plans ~~from~~ for owners of not less than 50 percent or other required percentage of the lands situated in any drainage area above any retention reservoir which may be installed with federal assistance, all as prescribed in said Public Law 566 or ~~amendatory act or other applicable federal law, and may do any and all other acts necessary to secure and use federal aid thereunder .~~

Sec. 23. *The governor shall appoint to the soil and water conservation board one member from region six to serve as 13th member of the board until a member is appointed from region six pursuant to section 40.03, subdivision 1, at which time the appointment authorized by this section shall expire.*

Sec. 24. [APPROPRIATION.] *The sum of \$12,000,000 is appropriated from the general fund to the state soil and water conservation board to be available until June 30, 1979 for the purpose of initiating a cost-sharing program for erosion control and water quality improvement. Not more than ten percent of the total amount appropriated shall be utilized for administrative expenses of the state board and the district boards. In addition, not more*

than ten percent of the total amount appropriated may be used for technical services to plan erosion control and water quality systems. Notwithstanding any other provision to the contrary, the state board can allocate funds not to exceed one half of the appropriation in this section to districts prior to the completion of a program plan pursuant to section 8 and a comprehensive plan pursuant to section 9.

Sec. 25. Minnesota Statutes 1976, Section 40.005 and 40.07, Subdivision 13, are repealed.

Sec. 26. This act shall be effective the day following final enactment."

Further, strike the title and insert:

"A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio member of the state soil and water conservation board; authorizing a cost-sharing program; clarifying the powers and duties of the state board and local districts; amending ambiguous or redundant provisions; adding a member to the soil and water conservation board temporarily; appropriating funds; amending Minnesota Statutes 1976, Chapter 40, by adding sections; and Sections 40.01, Subdivision 8, and by adding a subdivision; 40.02; 40.03, Subdivisions 1, 2, 3, and 4; and 40.07, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14; repealing Minnesota Statutes 1976, Sections 40.005; and 40.07, Subdivision 13."

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

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

S. F. No. 100: A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.

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

Page 1, line 13, after the period insert "The director of the state planning agency shall not allocate any funds to any local unit of government until the commissioner of natural resources has approved a detailed work program proposed by the local unit of government."

Page 1, line 16, after the period insert "If a local unit of government which received funds under this section fails to satisfy this responsibility, the structures and real property within Islands of Peace park purchased with funds under this section and any unexpended funds received pursuant to this section shall revert to the state."

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

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

S. F. No. 799: A bill for an act relating to agriculture; establishing a swine disease research center; appropriating money.

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

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

S. F. No. 558: A bill for an act relating to game and fish; authorizing the trapping of the great horned owl in certain instances; amending Minnesota Statutes 1976, Section 100.29, Subdivision 32.

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

Page 1, line 16, after "*height*" insert "*which is constructed and set so that the trapped owl may rest on the ground*"

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

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

S. F. No. 889: A bill for an act appropriating money for public radio purposes; providing grants for public radio stations serving Minnesota; providing for supervision of grant expenditures.

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

Page 1, line 19, strike ", serving a"

Page 1, line 20, strike everything before the period and insert "which either qualifies for financial assistance from the corporation for public broadcasting or which, with funds granted pursuant to this act, would qualify for financial assistance from the corporation"

Page 1, line 20, after the period insert: "Public radio stations shall not be deemed to include a station owned, sponsored or managed by a public institution of higher education in the state."

Page 2, lines 4 and 5, strike "Minnesota based"

Page 2, line 5, after "contributions" insert "to the station"

Page 2, line 10, strike "sources based" and insert "corporations, foundations and other associations having their principal office"

Page 2, line 13, strike "equal an amount as consistent with this section" and insert "a base payment an amount equal to eligible"

contributions to the station for the preceding fiscal year up to a maximum of \$10,000 for each year in the biennium. A station which has received during the preceding fiscal year eligible contributions in excess of \$10,000 shall receive a portion of any remaining money from the appropriation in this act. The portion received by the station shall equal the station's excess contributions divided by the total excess contributions received by all eligible stations times the total remainder of the appropriation for that period "

Page 2, line 15, strike "July" and insert "December"

Page 2, line 20, strike "September" and insert "December"

Page 2, lines 20 and 23, strike "may" and insert "shall"

Page 2, line 24, after "stations" insert "as provided in subdivision 2. Payments due under this section shall be made no later than January 1 and July 1 of each year."

Page 2, line 29, strike "In future years,"

Page 3, line 4, after "\$250,000" insert "for the biennium beginning July 1, 1977"

Page 3, after line 6, insert:

"Sec. 5. This act shall be effective on the day following final enactment."

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. 826: A bill for an act relating to seaway port authorities; personnel; contracts; authorizing port authorities to employ a certified public accountant to audit the books of the authority and authorizing the state auditor to accept such audits in lieu of his audit; amending Minnesota Statutes 1976, Section 458.18.

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

Page 2, line 21, strike "said" and insert "the"

Page 2, line 22, after "of" strike "such" and insert "the" and after "by" strike "such" and insert "the"

Page 2, line 24, strike "such" and insert "the"

Page 2, line 25, before "audit" strike "such" and insert "the" and after "make" strike "such"

Page 2, after line 26, insert:

"Sec. 2. This act shall be effective the day following final enactment."

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

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

S. F. No. 847: A bill for an act relating to statutory publications; providing for the distribution of Minnesota Statutes and session laws; amending Minnesota Statutes 1976, Section 648.39, Subdivision 1.

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

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

S. F. No. 903: A bill for an act relating to public safety; excepting certain personnel in the department of public safety from the requirement of reimbursing the state for the cost of using state-owned vehicles; amending Minnesota Statutes 1976, Section 16.753, Subdivision 2.

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

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

S. F. No. 448: A bill for an act relating to public safety; telephone companies; providing for local emergency telephone services; 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. [DEFINITIONS.] Subdivision 1. For the purposes of sections 1 to 12, the terms defined in this section have the meanings given them.

Subd. 2. "Local government unit" means a county, municipality or any other unit of local government or special purpose district located in whole or in part within this state which provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services.

Subd. 3. "Metropolitan area" means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 4. "Public safety agency" means a functional division of a local government unit which provides fire fighting, police, med-

ical, or other emergency services, or a private entity which provides emergency medical or ambulance services.

Subd. 5. "Public safety answering point" means a communications facility operated on a 24 hour basis which first receives 911 calls from persons in a 911 service area and which may, as appropriate, directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.

Subd. 6. "Minimum 911 network" means a telephone service meeting the design standards established pursuant to section 6, which automatically connects a person dialing the digits 911 to an established public safety answering point. Minimum 911 service includes equipment for connecting and outswitching 911 calls within a telephone central office, trunking facilities from the central office to a public safety answering point, and equipment, as appropriate, for automatically selectively routing 911 calls in situations where one telephone central office serves more than one public safety answering point.

Subd. 7. "911 system" shall provide access to police, firefighting and emergency medical and ambulance services. Other emergency and civil defense services may be incorporated into the 911 system at the discretion of the local government unit operating the public safety answering point.

Sec. 2. [911 EMERGENCY TELEPHONE SYSTEM.] Subdivision 1. Each county board in the metropolitan area shall provide for the implementation of an operating 911 emergency telephone system on or before December 15, 1982 and each remaining county board shall provide for the implementation of an operating 911 emergency telephone system on or before December 15, 1986.

Subd. 2. The 911 systems may be multijurisdictional or regional in character provided that design and implementation are preceded by cooperative planning on a county by county basis with local public safety agencies.

Sec. 3. [911 EMERGENCY TELEPHONE NUMBER; PAY TELEPHONES.] Subdivision 1. The digits 911 shall be the primary emergency telephone number within the system, but a public safety agency whose services are available on the 911 system may maintain a separate secondary backup number for emergency calls and shall maintain a separate number for nonemergency telephone calls.

Subd. 2. By December 15, 1986, each public utility providing telephone service within a 911 service area shall convert every pay station telephone to permit dialing of the 911 number without coin or other charge to the caller.

Sec. 4. [DESIGN OF SYSTEM.] Each county shall design its 911 system to meet the requirements of public safety agencies whose services are available through the 911 system and to permit future expansion of the system.

Sec. 5. [SYSTEM PLANNING AND COORDINATION.] The commissioner of administration shall coordinate the implementation of 911 systems on or before the deadlines established in section 2. The commissioner shall assist counties in the formulation of concepts, methods and procedures which will improve the operation of 911 systems.

Sec. 6. [STANDARDS ESTABLISHED.] Subdivision 1. The commissioner of administration shall adopt in accordance with Minnesota Statutes, Chapter 15, rules for the administration of sections 1 to 10 and for the development of 911 systems in the state. Matters which shall be covered in the rules include:

(a) Design standards for 911 systems outside the metropolitan area;

(b) Design standards for the 911 system in the metropolitan area; and

(c) A procedure for determining and evaluating requests for variations from the established design standards.

Subd. 2. In preparing the design standards required by this section the commissioner and the council shall coordinate their efforts so as to insure compatibility between the standards for the metropolitan area 911 system and systems for the remainder of the state.

Sec. 7. [PLANS TO BE SUBMITTED.] Subdivision 1. Before December 15, 1978, each county board shall submit tentative plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the commissioner of administration and to the public service commission. The commissioner of administration shall review the plan for consistency with the standards adopted pursuant to section 6 and shall report his findings to the county board within six months of receipt of the plan. The public service commission shall review the plan and comment to the county board within six months of the receipt of the plan. Each public utility providing telephone service within the county shall review the plan and transmit to the county board good faith estimates of local system implementation expenses within six months of the receipt of the plan.

Subd. 2. Before December 15, 1979, each county board shall submit final plans for the establishment of a 911 system to the public utility or utilities providing public telephone service within the county, to the commissioner of administration and to the public service commission. The final plan shall include a description of all capital and recurring costs for the proposed 911 system. The commissioner of administration shall review the final plan for consistency with the standards adopted pursuant to section 6 and approve or disapprove the plan within six months of receipt. The public service commission shall review the final plan and determine that portion of plan implementation capital costs which may be applied to the utility company rate base and

report findings to the county board within six months of receipt of the plan.

Subd. 3. After commissioner of administration approval of design and public service commission report of findings, each county board, together with the commissioner of administration and the local governmental units operating public safety answering points, shall contract with the appropriate public utility or utilities for the implementation of the approved 911 system plan.

Subd. 4. Each county board providing for the implementation of an operating 911 system before December 15, 1978, shall submit to the commissioner of administration and the public service commission in lieu of the required plan a report describing the system and stating its operational date.

Subd. 5. Any subsequent changes to 911 systems described in subdivision 4 shall conform to standards established by the commissioner of administration pursuant to section 6.

Subd. 6. After adoption of a final 911 system plan, any county board or utility may petition the commissioner of administration for a waiver of all or portions of the requirements or time limits of sections 1 to 8. Waivers shall be granted upon a demonstration by petitioner that the requirement is economically infeasible in the sense that federal or state funding for the initial capital investment required of the county board to implement a 911 system is not available.

Sec. 8. [COOPERATIVE AGREEMENTS.] Subdivision 1. In counties implementing 911 systems pursuant to sections 1 to 7, two or more local government units which have different 911 systems but which share common boundary lines may enter into cooperative agreements pursuant to section 471.59 which shall provide that once an emergency unit is dispatched in response to a request through the system, the unit shall render its services to the requesting party without regard to jurisdictional boundaries.

Subd. 2. Public safety agencies with jurisdictional responsibilities shall in all cases be notified immediately by the public safety answering point of a request for service in their jurisdiction.

Subd. 3. Counties, local government units operating public safety answering points, and other local governmental units may enter into cooperative agreements under section 471.59 for the allocation of operational and capital costs attributable to the 911 system.

Sec. 9. [LOCAL RECURRING COSTS.] Recurring costs of telephone communications equipment and services at public safety answering points shall be borne by the local governmental unit operating the public safety answering point or allocated pursuant to section 8, subdivision 3. Costs attributable to local government electives for facilities beyond minimum 911 network

requirements shall be borne by the local governmental unit requesting the elective service.

Sec. 10. [REPORT TO LEGISLATURE.] By January 1 of each year, the commissioner of administration shall report to the legislature the progress that has been made in the implementation of sections 1 to 10.

Sec. 11. [APPROPRIATION.] Subdivision 1. There is appropriated from the general fund to the commissioner of administration the following amounts to be used to implement the provisions of sections 1 to 10 in the fiscal years ending June 30 in the years indicated:

\$ 25,000 1978,

\$ 25,000 1979.

Any unencumbered balance remaining at the end of the first fiscal year shall not cancel but shall be available for the second year of the biennium.

Subd. 2. There is appropriated from the general fund to the commissioner of administration the following amounts to be used to pay the recurring annual costs attributable to minimum 911 network requirements:

\$ 20,000 1978,

\$180,000 1979.

Any unencumbered balance remaining at the end of the first fiscal year shall not cancel but shall be available for the second year of the biennium.

Sec. 12. This act is effective the day following final enactment."

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

"A bill for an act relating to public safety; requiring implementation of 911 emergency telephone systems; providing for standards and waivers; appropriating money."

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

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

S. F. No. 664: A bill for an act relating to state government; changing the duties of the legislative commission on Minnesota resources and providing for the personnel thereof; eliminating certain conservation work projects and land acquisition programs; amending Minnesota Statutes 1976, Sections 86.06; 86.08, Subdivision 2; 86.10, Subdivision 1; and 86.53; repealing Minnesota Statutes 1976, Sections 86.07, Subdivision 2; 86.11, Subdivisions 1, 2, 4, 7, 8 and 9; 86.31; 86.32; 86.33; 86.34; 86.35; 86.41; 86.42; and 86.51.

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

Amend the title as follows:

Page 1, line 4, strike "and providing for the personnel thereof"

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. 464: A bill for an act relating to public welfare; changing eligibility standards for medical assistance; appropriating money; amending Minnesota Statutes 1976, Section 256B.06, Subdivision 1.

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

Page 2, line 11, strike "\$15,000" and insert "\$25,000"

Page 2, lines 17 to 19, reinstate the stricken language

Page 2, strike line 20

Page 2, line 21, strike "*assistance pursuant to sections 256.72 to 256.87*"

Page 3, line 7, after the semicolon, insert "*provided, however, that the agency shall by rule establish a sliding fee schedule based on income which will permit the spouse of a married person who is a resident of a nursing home, to retain a higher income than is otherwise provided by agency rules;*"

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

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

S. F. No. 1081: A bill for an act relating to welfare; providing for personal allowances to disabled persons in care facilities; amending Minnesota Statutes 1976, Section 256B.36.

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

Page 1, line 12, strike "handicapped or mentally retarded"

Page 1, line 13, strike "confined" and insert "*residing*"

Page 1, line 22, strike "*an amount equal,*"

Page 2, strike line 1

Page 2, line 2, strike "(3)"

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

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

S. F. No. 446: A bill for an act relating to public welfare; increasing supplemental aid; appropriating money; amending Minnesota Statutes 1976, Section 256D.37, Subdivision 2, and by adding subdivisions.

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

Page 1, line 11, after " 1 " insert "*and section 256D.36*"

Page 1, line 16, after "*aid*" insert "*who are residents of a room and board facility whose daily rate is negotiated by a local agency*"

Page 1, line 16, strike "\$25" and insert "\$35"

Page 2, line 10, strike "*personal property limitation for all*" and insert "*limitation on personal property as defined by the agency by rule for all recipients and*"

Page 2, line 16, strike "*income limitation*" and insert "*standard of need for applicants and recipients of supplemental aid*"

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. 163: A bill for an act relating to education; vocational training for handicapped persons; establishing a special office for handicapped persons in the department of vocational rehabilitation; appropriating money.

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

Page 1, line 8, strike everything after "1." and insert "[129A.10] Subdivision 1. The commissioner of"

Page 1, line 9, strike "an office of" and insert "shall designate persons in his department to provide"

Page 1, line 10, after "severely" insert "physically" and after "A severely" insert "physically"

Page 1, line 16, strike "Sec." and insert "Subd."

Page 1, line 16, strike "The purpose of the office is to serve" and insert "A duty of the persons so designated shall be to assist"

Page 1, line 17, after "severely" insert "physically"

Page 1, line 20, strike "The office shall focus" and insert "Specifically, emphasis shall be placed"

Page 2, line 2, after "severely" insert "physically"

Page 2, line 5, after "severely" insert "physically"

Page 2, strike lines 7 to 19

Page 2, line 20, strike "Epilepsy League."

Page 2, line 20, strike "office" and insert "commissioner"

Page 2, line 20, strike "its" and insert "the"

Page 2, line 21, after "availability" insert "of his department and staff"

Page 2, line 23, strike "4" and insert "2"

Page 2, lines 23 to 24, strike "fiscal year 1977-1978," and insert "the biennium beginning July 1, 1977"

Page 2, line 24, strike "department" and insert "commissioner"

Page 2, line 25, strike "\$60,000 for personnel to"

Page 2, strike line 26

Page 2, line 27, strike "handicapped persons" and insert "\$120,000 for the purposes of this act"

Page 2, after line 27, insert:

"Sec. 3. This act shall be effective on July 1, 1977."

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

"A bill for an act relating to vocational rehabilitation; providing for special services to severely handicapped persons; adding duties to the commissioner of vocational rehabilitation; appropriating money."

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

Mr. Wegener from the Committee on Local Government, to which was referred

H. F. No. 75: A bill for an act relating to public safety; requiring railroad companies to reimburse local governments and nonprofit fire fighting corporations for expenses incurred to extinguish locomotive caused fires.

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

Strike everything after the enacting clause and insert:

"Section 1. [219.761] Subdivision 1. Any railroad operating in Minnesota shall be liable for all reasonable expenses of extinguishment when a fire or fire hazard emergency is proximately caused by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property. If the fire department of a local government or nonprofit fire fighting corporation extinguishes a fire or fires arising from one occurrence and deems that it is entitled to reimbursement for its expenses, it shall within seven days after the first full day after extinguishment, give the railroad written notice by mail which shall state

the circumstances of the fire as then known. The notice may be given to the railroad at any address at which the owner has an office, agent or other place of business in this state. The date of mailing shall be the date of service of the notice.

If after notice and claim for reimbursement, the railroad working the right-of-way refuses to reimburse the local government or nonprofit fire fighting corporation for expenses incurred, the claimant may recover by civil action reasonable expenses, costs, disbursements, and attorney's fees.

Subd. 2. All claims shall set forth the basis of the claim including the time, date, place and circumstances of the claim. A claim shall also include an itemization of costs incurred in the extinguishment of the fire. The state fire marshal, in consultation with fire department chiefs and representatives of the interested railroads, may recommend additional information to be included in a claim.

Subd. 3. If the railroads are required to pay property taxes pursuant to chapter 272 or any other law, they shall also pay any fees and assessments which may be required of property owners situated within the same political subdivision for fire fighting and protection expenses. Neither the enactment of this act, nor its subsequent repeal or termination, shall alter the statutory or common law rights, duties or obligations of railroad companies with regard to fires caused directly or indirectly by a railroad locomotive, rolling stock, or employees on a railroad right-of-way or operating property."

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

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

S. F. No. 426: A bill for an act relating to motor vehicles; providing for limited licenses to attend chemical dependency programs; amending Minnesota Statutes 1976, Section 171.30, Subdivision 1.

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

Page 1, line 13, after "*dependency*" insert "*treatment or counseling*"

Page 1, line 18, strike "such" and insert "*the*"

Page 1, line 18, strike "In cases involving a suspension or"

Page 1, strike lines 19 to 22

Page 2, strike line 1

Page 2, line 2, strike "169.123, during the preceding three year period."

Page 2, line 3, strike the first "such" and insert "*a*"

Page 2, line 6, strike "Such" and insert "*The*"

Page 2, line 12, strike the first and second "such" and insert "*the*"

Page 2, line 17, strike "such" and insert "*the*"

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

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

S. F. No. 972: A bill for an act relating to probate; personal representatives; protecting certain good faith purchasers dealing with personal representatives; amending Minnesota Statutes 1976, Section 524.3-714.

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

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

S. F. No. 999: A bill for an act relating to mobile homes; providing for termination of land leases; amending Minnesota Statutes 1976, Section 327.44.

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

Page 1, after line 6, insert

"Section 1. Minnesota Statutes 1976, Section 327.43, Subdivision 1, is amended to read:

327.43 [ENTRANCE AND TRANSFER FEES PROHIBITED; SECURITY DEPOSITS LIMITED.] Subdivision 1. No fee other than ~~that~~ *the periodic rental payment* specified in the lease or rental agreement may be charged to a mobile home park tenant or prospective tenant for the right to obtain or retain a space or lot, provided that a lessor may impose a reasonable charge for goods and services actually furnished by or at his expense in setting up a mobile home on a space or lot."

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, after the semicolon insert "regulating mobile home lot payments; prohibiting entrance fees;"

Page 1, line 4, strike "Section" and insert "Sections 327.43, Subdivision 1; and"

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 919: A bill for an act relating to highway traffic reg-

ulations; prescribing the width of vehicles; amending Minnesota Statutes 1976, Section 169.80, Subdivision 2.

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

Page 2, line 6, strike everything after the period

Page 2, strike lines 7 to 10 and insert "*The vehicle shall display 12 inch square red flags as markers at the front and rear of the left side of the vehicle.*"

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 833: A bill for an act relating to highways; state-aid system; contracts for construction and improvement of county state-aid highways and municipal state-aid streets; requiring percentage payments thereunder, and requiring payment of interest on money due and not paid in accordance with the contract; amending Minnesota Statutes 1976, Sections 162.04 and 162.10.

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

Page 1, line 16, after the comma insert "*and the construction or improvement is not financed in whole or in part by federal aid highway money,*"

Page 2, lines 8 to 12, strike all of the new language and insert "*Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90 days after the final estimate of the value of the work completed shall obligate the county to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a county may legally withhold as a result of breach of contract or other contractual claim.*"

Page 2, line 17, after the comma insert "*and the construction or improvement is not financed in whole or in part by federal aid highway money,*"

Page 3, lines 2 to 7, strike all of the new language and insert "*Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90 days after the final estimate of the value of the work completed shall obligate the city to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a city may legally withhold as a result of breach of contract or other contractual claim.*"

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S. F. No. 738: A bill for an act relating to the state transportation system; authorizing the issuance of state bonds pursuant to Minnesota Statutes 1976, Section 174.51 and Article XI of the Constitution for the design, construction and reconstruction of bridges and bridge approaches; 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. [TRUNK HIGHWAY BONDS; ISSUANCE AND SALE.] The commissioner of finance is authorized and directed, upon request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 167.52 and of the Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, at such times and in such amounts as may be requested by the commissioner of transportation. Bonds issued pursuant to this section are authorized in an aggregate principal amount of \$50,000,000. The proceeds of such bonds shall be appropriated to the trunk highway fund and shall be deposited in a separate bridge construction account.

Sec. 2. [STATE TRANSPORTATION BONDS; ISSUANCE AND SALE.] The commissioner of finance is authorized upon the request of the commissioner of transportation to sell and issue Minnesota state transportation bonds for the purpose provided in Minnesota Statutes 1976, Section 174.51, Subdivision 1, in the aggregate principal amount of \$50,000,000 in the manner and upon the conditions prescribed in Minnesota Statutes 1976, Section 174.51 and in Article XI of the Constitution. The proceeds of the bonds, except as provided in Minnesota Statutes 174.51, Subdivision 5, are appropriated to the Minnesota state transportation fund for expenditure in accordance with Section 3, Subdivision 2, and Minnesota Statutes 1976, Section 174.50.

Sec. 3. [APPROPRIATION.] Subdivision 1. The sum of \$50,000,000, or so much thereof as is determined to be needed, is appropriated from the separate bridge construction account in the trunk highway fund created pursuant to section 1, for the biennium ending June 30, 1979, for the design, construction and reconstruction of key bridges and bridge approaches on the trunk highway system including interstate routes. Any money appropriated under this subdivision shall be expended in accordance with the requirements for expenditure of money from the Minnesota state transportation fund for trunk highway bridges as those requirements are provided in section 174.50 and in rules promulgated pursuant to that section.

Subd. 2. The sum of \$50,000,000 or so much thereof as is deter-

mined to be needed, is appropriated from the Minnesota state transportation fund to the department of transportation for the biennium ending June 30, 1979 for disbursement in the form of grants to political subdivisions by the commissioner of transportation for the construction and reconstruction of key bridges on the following road systems:

- 1. County highway systems.....\$27,000,000
- 2. Municipal street systems..... 8,000,000
- 3. Township road systems..... 15,000,000

Sec. 4. This act is effective July 1, 1977.”

Amend the title by striking it and inserting:

“A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota trunk highway bonds under the provisions of Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, and authorizing the expenditure of the proceeds thereof for trunk highway bridges and approaches; authorizing the issuance and sale of Minnesota state transportation bonds under the provisions of Minnesota Constitution, Article XI, and authorizing the expenditure thereof for grants to political subdivisions for construction and reconstruction of certain bridges; appropriating money.”

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 referred

S. F. No. 804: A bill for an act relating to highway traffic regulations; driving under the influence of alcohol, drugs and controlled substances; chemical tests for intoxication, and consent therefor; providing for immediate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary permits under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127, by adding a subdivision; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245.

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 169.121, is amended to read:

169.121 [MOTOR VEHICLE DRIVERS UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE.] Subdivision 1. It shall be a misdemeanor for any person described in clauses (a), (b), (c) or (d) to drive, operate or be in actual physical control of any vehicle within this state:

(a) A *When the* person who is under the influence of an alcoholic beverage or narcotic drug *alcohol* ;

(b) A *When the* person who is an habitual user of narcotic drugs or who is under the influence of a controlled substance which impairs the ability to drive ;

(c) A *When the* person who is under the influence of a combination of any two or more of the elements named in clauses (a) and (b) hereof ; or

(d) A person whose *When the person's* blood contains 0.10 percent or more by weight of alcohol.

When a police officer has reason to believe from the manner in which a driver is driving, operating, or actually controlling, or has driven, operated, or actually controlled, a vehicle that such driver may be violating this subdivision he may require the driver to provide a sample of his breath for an immediate preliminary screening test or analysis before an arrest is made, using a device approved by the commissioner for this purpose. The results of such a preliminary screening test or analysis shall be used only for the purpose of guiding the officer in deciding whether an arrest should be made, and shall not be used as evidence in any court action.

The driver of any motor vehicle shall furnish such a sample of his breath when required to do so. The provisions of section 169.122, shall apply to any driver who refuses to furnish a sample of his breath; provided that the license or permit of a driver shall not be revoked pursuant to section 169.123, subdivision 4, for refusal to provide a sample of his breath for preliminary screening purposes, if he submits to a blood, breath or urine test to determine the alcoholic content of his blood pursuant to section 169.123, subdivision 2. Another test may be required of the driver following the screening test pursuant to the provisions of this chapter, which shall be admissible evidence in accordance therewith.

Nothing in this subdivision authorizing such preliminary screening test or analysis shall be construed as changing, limiting, or otherwise modifying the procedures, safeguards, and other provisions of sections 169.121 to 169.122 or ordinances in conformity therewith.

The provisions of this subdivision apply, but are not limited in application, to any person who drives, operates, or who is in actual physical control of any vehicle in the manner prohibited by this subdivision upon the ice of any lake, stream, or river, including but not limited to the ice of any boundary water.

Subd. 2. Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or *being* in actual physical control of a motor vehicle in violation of subparagraphs a, e, or d of subdivision 1 hereof , the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by a medical or chemical analysis thereof; if said *the* test is taken voluntarily or pursuant to section 169.123.

For the purposes of this subdivision:

(a) evidence that there was at the time 0.05 percent or less by weight of alcohol in the person's blood is prima facie evidence that ~~such~~ *the* person was not under the influence of an alcoholic beverage *alcohol* ;

(b) evidence that there was at the time more than 0.05 percent and less than 0.10 percent by weight of alcohol in the person's blood is relevant evidence but ~~it is not to be given prima facie~~ effect in indicating whether or not the person was under the influence of an alcoholic beverage *alcohol* .

The foregoing provisions shall ~~not~~ be construed as limiting *do not limit* the introduction of any other competent evidence bearing upon the question whether or not ~~such~~ *the* person was under the influence of an alcoholic beverage *alcohol* or a controlled substance .

For the purposes of this section, an "alcoholic beverage" means any liquid containing more than one half of one percent of alcohol by volume.

For the purposes of this section "percent by weight of alcohol" shall be defined as the number of grams of alcohol per 100 milliliters of blood.

Subd. 3. Every person ~~who~~ is convicted of a violation of this section shall be *is* punishable by imprisonment of not less ~~than~~ ten days ~~nor~~ more than 90 days, or by a fine of not less than \$10 ~~nor~~ more than \$300, or both, and his driver's license shall be revoked for not less than 30 days, except that every person who is convicted of a violation of this section, when ~~such~~ *the* violation is found to be the proximate cause of grievous bodily injury or death to another person, shall be punished by imprisonment for not less than 60 days ~~nor~~ more than 90 days, or by fine of not more than \$300, or both and his driver's license shall be revoked for not less than 90 days.

Any person whose license has been revoked pursuant to section 169.123 or section 169.127 is not subject to the mandatory revocation provision of this subdivision.

Subd. 4. Every person who is convicted of a violation of this section within three years of any previous conviction under this section shall be punished by imprisonment for not less than ~~ten~~ days ~~nor~~ more than 90 days, and his driver's license shall be revoked for not less than 90 days.

Subd. 5. ~~Whenever a person is charged with a violation of this section within three years of a previous conviction hereunder , and he shall forfeit his bail, it shall be the duty of the prosecuting officer to immediately apply to the court for a bench warrant, and thereupon the court shall forthwith issue a warrant for the arrest of the accused.~~

Subd. 6 5 . The court may stay imposition or execution of any sentence authorized by subdivision 3 or 4 on the condition that the convicted person submit to treatment by a public or

private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

~~Subd. 7. Any person whose license has been revoked pursuant to section 169.127 shall not be subject to the mandatory revocation provision of subdivision 2.~~

Subd. 6. When a peace officer has reason to believe from the manner in which a person is driving, operating, or controlling, or has driven, operated, or controlled, a vehicle that the driver may be violating or has violated subdivision 1 he may require the driver to provide a sample of his breath for a preliminary screening test using a device approved by the commissioner of public safety for this purpose. The results of this preliminary screening test may not be used as evidence in any court action under this section but shall be used for the purpose of deciding whether an arrest should be made and whether to require the chemical tests, authorized in section 169.123. Following the screening test another test may be required of the driver pursuant to the provisions of section 169.123.

The driver of a motor vehicle who refuses to furnish a sample of his breath is subject to the provisions of section 169.123, subdivisions 4 to 8 unless, in compliance with 169.123, he submits to a blood, breath or urine test to determine the presence of alcohol or a controlled substance.

Subd. 7. On behalf of the commissioner of public safety a court shall serve notice of revocation on a person convicted of a violation of this section. The notice satisfies the notice requirements of section 171.17. The court shall take the license or permit of the driver, if any, and send it to the commissioner with a record of the conviction and issue a temporary license effective only for the period during which an appeal from the conviction may be taken. The commissioner shall issue additional temporary licenses until the final determination of whether there shall be a revocation under this section.

Sec. 2. Minnesota Statutes 1976, Section 169.123, is amended to read:

169.123 [CHEMICAL TESTS FOR INTOXICATION.] Subdivision 1. [PEACE OFFICER DEFINED.] For purposes of this section and section 169.121, ~~subdivision 2,~~ the term peace officer means a state highway patrol officer or full time police officer of any municipality, including towns having powers under section 368.01, or county having satisfactorily completed a prescribed course of instruction in a school for instruction of persons in law enforcement conducted by the University of Minnesota or a similar course considered equivalent by the commissioner of public safety.

Subd. 2. [IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.] Any person who drives or operates

, or is in physical control of a motor vehicle upon the public highways of within this state shall be deemed to have given consent consents, subject to the provisions of this section and section 169.121, subdivision 2, to a chemical test of his blood, breath, or urine for the purpose of determining the alcoholic content of his blood presence of alcohol or a controlled substance . The test shall be administered at the direction of a peace officer. The test may be administered required of a person when the an officer has reasonable and probable grounds to believe that a the person was driving or , operating a motor vehicle while said person was under the influence of an alcoholic beverage , or in physical control of a vehicle in violation of section 169.121 and one of the following conditions exist: (1) the said person has been lawfully placed under arrest for alleged commission of the said described offense in violation of section 169.121, or an ordinance in conformity therewith; or, (2) the person has been involved in a motor vehicle collision resulting in property damage, personal injury, or death ; or (3) the person submits to the test voluntarily . The test may also be administered when the an officer has reason to believe that a person was driving or operating a motor vehicle in violation of section 169.121 or an ordinance in conformity therewith and the person has either refused to take the preliminary screening test provided for by section 169.121, subdivision 1 6 , or such the preliminary screening test was administered and recorded a blood alcohol level of .10 percent or more by weight of alcohol. Any person may decline to take a direct blood test and elect to take either a breath , or urine test, whichever is available ; in lieu thereof, and either a breath or urine test shall be made available to the arrested person who makes such an election or offered . No action shall may be taken against the person for declining to take a direct blood test unless either a breath , or urine test was available. At the time the peace officer requests such a chemical test specimen ; he shall inform the arrested is requested, the person shall be informed that the law requires that he submit to a chemical test, but that he need not submit to a blood test, that he may take a confidential test and decide within 84 hours whether to permit use of the test, that his right to drive may will be revoked or denied if he refuses to permit the test or use of it, and that he has the right to have additional tests made by a person of his own choosing consult an attorney .

Subd. 2a. Notwithstanding subdivision 2, if there is probable cause to believe there is impairment by a controlled substance which is not subject to testing by a breath test, a urine test may be required even after a blood or breath test has been administered.

Subd. 2b. A person who for any reason is undecided whether or not to submit to a test, as required by subdivision 2, may take a confidential test. If the person within 84 hours thereafter declines in writing to permit use of the test, the test has no legal effect and may not be disclosed or used in any proceeding. It shall remain confidential, but the department of public safety may use summary data derived from the test results for statistical purposes. If a person does not within 84 hours decline to permit use of the test,

the test is no longer confidential and shall be used to satisfy the requirements of this section. A person who takes a confidential test shall receive no indication of the test results unless within 84 hours he consents in writing to permit use of the test as the test required by subdivision 2. Any person who seeks to learn the result of a test while the test is confidential is guilty of a petty misdemeanor.

If a person takes a confidential test, the peace officer shall take his drivers license or permit as if he had refused to submit to the test and, on behalf of the commissioner of public safety, give notice of intention to revoke and of revocation. The officer shall also issue a temporary license, valid until the time for filing a request for a hearing on the revocation has expired.

An officer who takes a person's drivers license or permit pursuant to this subdivision shall retain the license for 84 hours or until within that time the person in writing either declines to permit use of the test or consents to its use. If the person declines to permit use of the test the person violates this section and the officer shall proceed accordingly. Otherwise, the officer shall either (1) return the license or permit, if the reading shows less than .10 percent alcohol by weight of blood or (2) proceed in accordance with section 169.127, if the reading shows .10 percent or more alcohol by weight of blood.

Subd. 3. [MANNER OF MAKING TEST; ADDITIONAL TESTS.] Only a physician, medical technician, registered nurse, medical technologist or laboratory assistant acting at the request of a peace officer may withdraw blood for the purpose of determining the alcoholic content therein presence of alcohol or controlled substance . This limitation shall does not apply to the taking of a breath , or urine specimen. The person tested shall have has the right to a physician, a medical technician, medical technologist, laboratory assistant or registered nurse have a person of his own choosing to administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test specimen on behalf of said the person be is obtained at the place where such the person is in custody , after the test administered at the direction of a peace officer, and at no expense to the state. Said person shall have the right to immediately communicate with his attorney, doctor or any other person in order to secure a physician, medical technician, medical technologist, laboratory assistant or registered nurse of his own choosing for the purpose of administering such additional test or tests; but this shall in no way delay the administering of the test at the direction of the peace officer. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer. Upon the request of the person who is tested, full information concerning the test or tests taken at the direction of the peace officer shall be made available to him. The physician, medical technician, medical technologist, laboratory assistant or registered nurse drawing blood at the request of a peace officer for the purpose of determining alcoholic content shall in no manner be liable in any

civil or criminal action except for negligence in drawing the blood. The person administering such a test at the request and direction of such a peace officer shall be fully trained in the administration of such the tests pursuant to standards promulgated by rule by the commissioner of public safety.

Subd. 4. [REFUSAL TO PERMIT TEST; REVOCATION OF LICENSE.] If a person refuses to permit chemical testing, none shall be given, but the commissioner of public safety, upon the receipt of a certificate of the peace officer that he had reasonable and probable grounds to believe the person had been driving or operating a motor vehicle upon the public highways while under the influence of an alcoholic beverage, and that the person had refused to permit the test, shall revoke his license or permit to drive and any nonresident operating privilege for a period of six months shall revoke the person's license or permit to drive and any nonresident operating privilege for a period of six months upon certification that there existed reasonable and probable grounds to believe the person had been driving, operating, or in physical control of a vehicle while under the influence of alcohol or a controlled substance and that the person had refused the test. If the person is a resident without a license or permit to operate a motor vehicle in this state, the commissioner of public safety shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

Subd. 5. [NOTICE OF REVOCATION OR DETERMINATION TO DENY; REQUEST FOR HEARING.] No revocation under subdivision 4 shall be made is effective until the commissioner of public safety or a peace officer acting on his behalf notifies the person by certified or registered mail of the intention to revoke and of revocation and allows said the person a 20 day period after the date of receiving said notice to request of the commissioner of public safety, in writing, a hearing as herein provided. If no request is filed within the 20 day period the commissioner of public safety, may then issue an order of revocation the order of revocation becomes effective. However if a request for hearing is filed, no a revocation hereunder shall be made is not effective until a final judicial determination resulting in an a decision adverse decision to said the person.

Subd. 5a. [PEACE OFFICER AGENT FOR NOTICE OF REVOCATION.] On behalf of the commissioner of public safety a peace officer offering a chemical test or directing the administration of a chemical test may serve immediate notice of intention to revoke and of revocation on a person who refuses to permit chemical testing. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 20 days. If a hearing is requested within the 20 day period, the commissioner shall issue additional temporary licenses until the final determination of whether there shall be a revocation under this section. The peace officer shall send the person's drivers license to the commissioner of public safety along with the certificate required by subdivision 4.

Subd. 6. [HEARING.] The *A* hearing *under this section* shall be before a municipal or county judge, learned in the law, in the county where the alleged offense occurred, unless there is agreement that the hearing may be held in some other county. The hearing shall be recorded and proceed as in a criminal matter, without the right of trial by jury, and its scope shall cover the issues of whether the *a* peace officer had reasonable and probable grounds to believe the person was driving or, operating, or in physical control of a motor vehicle while under the influence of an alcoholic beverage alcohol or a controlled substance; whether the person was lawfully placed under arrest, if applicable; whether he refused to permit the test, and if he refused whether he had reasonable grounds for refusing to permit the test; and whether at the time of request for the test the *a* peace officer informed the said person that his right to drive might be revoked or denied if he refused to permit the test and of his right to have additional tests made by a person of his own choosing person of his rights and obligations as required by subdivision 2. The municipal court shall order either that the revocation or denial be rescinded or sustained and refer such the order to the commissioner of public safety for his further action.

Subd. 7. [REVIEW BY DISTRICT COURT.] If the revocation or denial is sustained, the person whose license or permit to drive, or nonresident operating privilege has been revoked or denied, may within 20 days after notice of the determination by the commissioner of public safety file a petition for a hearing of the matter on the record in the district court in the county where the hearing pursuant to subdivision 6 was held unless there is agreement that the hearing may be held in some other county. The petition shall be filed with the clerk of the said court together with proof of service of a copy thereof on the commissioner of public safety. It shall be is the duty of the court to set the matter for hearing on a day certain with reasonable notice thereof to the parties. The matter shall be heard de novo with a right of trial by jury.

Subd. 8. [NOTICE OF ACTION TO OTHER STATES.] When it has been finally determined that a nonresident's privilege to operate a motor vehicle in this state has been revoked or denied, the commissioner of public safety shall give information in writing of the action taken to the official in charge of traffic control or public safety of the state of the person's residence and of any state in which he has a license.

Sec. 3. Minnesota Statutes 1976, Section 169.127, is amended to read:

169.127 [CHEMICAL TEST REPORTS; REVOCATION; HEARING; REINSTATEMENT.] Subdivision 1. [CHEMICAL TEST REPORTS.] When a peace officer, as defined in section 169.122, subdivision 1, or another person at his direction has administered a chemical test of a person's breath, other than a preliminary screening test, of alcohol content pursuant to section 169.123, he the tester shall report the results of that test to the commissioner of public safety if the test result indicates a blood alcohol content of .10 percent or more by weight of alcohol. When

such peace officer requests and directs the administration and interpretation of a blood or urine test pursuant to section 160.123, the person interpreting such a test at the request of the peace officer shall be fully trained in the interpretation of such tests pursuant to standards of the commissioner of public safety and shall report the results of the test to the commissioner of public safety if the test result indicates a blood alcohol content level of .10 percent or more by weight of alcohol.

Subd. 2. [NOTICE OF REVOCATION; REQUEST FOR HEARING.] The commissioner of public safety shall revoke for a period of 90 days the driver's license, permit or nonresident operating privileges of any person whose blood contains .10 percent or more by weight of alcohol upon the receipt of a record of the blood, breath or urine test administered by or at the direction of a peace officer pursuant to section 169.123. No revocation shall be made *is effective* until the commissioner of public safety notifies the person by certified or registered mail of the intention to revoke and allows the person a 20 day period after the date of receiving the notice to request of the commissioner of public safety in writing, a hearing as herein provided. If a request for hearing is filed, no revocation hereunder shall be made until final judicial determination.

Subd. 2a. On behalf of the commissioner of public safety, a peace officer or other qualified person administering a chemical test may serve immediate notice of intention to revoke and of revocation on the driver upon obtaining a reading of .10 percent or more of blood alcohol. The officer shall take the license or permit of the driver, if any, and issue a temporary license effective only for 20 days. If a hearing is requested within the 20 day period, the commissioner shall issue temporary licenses until the final determination of whether there shall be a revocation under this section. The peace officer shall send the person's drivers license or permit to the commissioner of public safety with the report required by subdivision 1.

If the chemical test administered does not provide an immediate reading of the result, the peace officer shall retain the drivers license or permit and issue to the person a temporary license effective for the period required to obtain a report of the alcohol content. The peace officer or person administering the test shall hold the license until the report is received, at which time the procedure shall be as provided above.

Subd. 3. [HEARING.] The hearing shall be before a municipal or county judge, learned in the law, in the county where the alleged offense occurred, unless there is agreement that the hearing may be held in some other county. The hearing shall be heard as early as practicable but not to exceed 30 days from the receipt of request for hearing unless the court grants a continuance of the hearing. The hearing shall be without the right of trial by jury. The scope of the hearings shall include whether the peace officer had reasonable and probable grounds to believe the person was driving or , operating , or controlling a motor vehicle while under the influence of an alcoholic beverage alcohol or a controlled

substance ; whether the person was lawfully placed under arrest, if applicable; whether the person took the test; whether he was advised of his right to have additional tests made by a person of his own choosing *rights* ; and the validity and reliability of the testing method used and the accuracy of the evaluation of the test results. The municipal or county court shall order that the revocation be sustained or rescinded and refer such *the* order to the commissioner of public safety for his further action.

Subd. 4. [REVIEW BY DISTRICT COURT.] Any person whose license or permit to drive, or nonresident operating privilege has been revoked may within 30 days of receipt of the revocation notice from the commissioner file a petition for hearing of the matter in district court in the county where the hearing pursuant to subdivision 3 was held unless there is agreement that the hearing may be held in some other county. The matter shall be heard by the court pursuant to the provisions of section 171.19 on the typewritten record of the proceedings in the county or municipal court, and the court may exercise the powers of the district court as provided in section 487.39 . Notice to other states shall be as provided in section 169.123, subdivision 8.

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

Subd. 6. [REINSTATED LICENSE.] If the commissioner receives notice of the driver's attendance at a driver improvement clinic, attendance at counseling sessions, or participation in treatment for an alcohol problem the commissioner may, after 60 days of the revocation period have elapsed, reinstate the driver's license for the remainder of the revocation period. The commissioner shall not reinstate a license under this subdivision to a driver who has had a license revoked under sections 169.121, 169.123 or Laws 1976, Chapter 341 on a prior occasion during the preceding three year period for another incident.

Sec. 4. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.128] [RULES OF THE COMMISSIONER OF PUBLIC SAFETY.] *The commissioner of public safety may promulgate rules, including emergency rules, to carry out the provisions of*

sections 169.121, 169.123, and 169.127. The rules may include forms for substitute driving permits. The substitute driving permit shall describe clearly the right to a hearing, the procedure for requesting a hearing, and the consequences of failure to request a hearing.

Sec. 5. Minnesota Statutes 1976, Chapter 169, is amended by adding a section to read:

[169.129] [AGGRAVATED VIOLATIONS; PENALTY.] *Any person who drives, operates, or physically controls a motor vehicle, the operation of which requires a driver's license, within this state in violation of section 169.121 before his driver's license or driver's privilege has been reinstated following its cancellation, suspension or revocation (1) because he drove, operated, or physically controlled a motor vehicle while under the influence of alcohol or a controlled substance; or while his blood had an alcohol content above a prescribed level; (2) because he operated a motor vehicle which contained an open bottle containing an intoxicating liquor or nonintoxicating malt liquor which had been opened; or (3) because he refused to take a test which determines the presence of alcohol or a controlled substance when requested to do so by a proper authority, is guilty of a gross misdemeanor. Jurisdiction over prosecutions under this section is in the municipal or county courts rather than in the district courts, notwithstanding Minnesota Statutes, Section 487.16, or any other law or rule to the contrary.*

Sec. 6. *Minnesota Statutes 1976, Section 171.245, is repealed.*

Sec. 7. [EFFECTIVE DATE.] *Section 4 of this act is effective the day following final enactment. The remainder of sections 1 to 6 is effective September 1, 1977, and shall apply to all offenses committed on or after that date. Cases pending in the courts of this state on September 1, 1977 shall be subject to the procedures set forth in this act for adjudication and appellate review of the relevant offenses."*

Amend the title as follows:

Strike lines 2 to 16 and insert:

"relating to highway traffic regulations; driving under the influence of alcohol or controlled substances; chemical tests and consent therefor; providing for immediate notice of revocation of a driver license or permit, retention of the license or permit by a court or peace officer and the substitution of temporary licenses under certain circumstances; providing for county court jurisdiction over prosecution for certain offenses; prescribing penalties; amending Minnesota Statutes 1976, Sections 169.121; 169.123; 169.127; and Chapter 169, by adding sections; repealing Minnesota Statutes 1976, Section 171.245."

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred

S. F. Nos. 914, 616, 872, 499, 498, 181, 177, 362, 191, 617 and H. F. Nos. 621, 42, and 176, makes the following report:

That S. F. Nos. 914, 616, 872, 499, 498, 181, 177, 362, 191, 617 and H. F. Nos. 621, 42 and 176 be placed on the General Orders Calendar in the order indicated.

That there were no other bills before the subcommittee on which floor action was requested. Report adopted.

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

H. F. Nos. 521, 563, 307 and 558 for comparison to companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their Second Readings and substituted for their companion Senate Files as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
521	536				
563	537			558	257
307	159				

and that the above Senate Files be indefinitely postponed.

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

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

H. F. Nos. 339, 586 and 524 for comparison to companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
339	238				
586	705				
524	673				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 339 be amended as follows:

Page 2, lines 7 and 8, delete "*a labor surplus area by the United States department of commerce*" and insert "*an area of substantial or persistent unemployment by the United States department of labor*"

Page 2, line 11, delete "*, regulations*"

Page 3, line 6, after "*1*" insert "*, clause*"

Page 3, line 11, delete "*\$200,000*" and insert "*\$1,000,000*"

Page 3, lines 14 and 15, delete "*pursuant to*" and insert "*to a small business under*"

Page 3, line 15, delete "*subdivisions 2 and 3*" and insert "*sub-division 2*"

And when so amended, H. F. No. 339 will be identical to S. F. No. 238 and further recommends that H. F. No. 339 be given its second reading and substituted for S. F. No. 238 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 586 be amended as follows:

Page 5, delete lines 18 to 23 and insert
"thereof. Upon request of a majority of the members of the senate tax committee and a majority of the members of the house tax committee, the commissioner may furnish abstracted financial information to those committees for research purposes from returns or reports filed pursuant to this chapter, provided that he shall not disclose the name, address, social security number, business identification number or any other item of information associated with any return or report which the commissioner believes is likely to identify the taxpayer."

Further amend the title in line 2, after the semicolon insert
"providing for certain disclosures of"

And when so amended, H. F. No. 586 will be identical to S. F. No. 705 and further recommends that H. F. No. 586 be given its second reading and substituted for S. F. No. 705 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 524 be amended as follows:

Page 1, line 17, delete "*shall take effect*" and insert "*is effective*"

And when so amended, H. F. No. 524 will be identical to S. F. No. 673 and further recommends that H. F. No. 524 be given its second reading and substituted for S. F. No. 673 and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 826, 847 and 919 were read the second time.

S. F. Nos. 558, 903, 664, 426, 972, 999, 833 and 804 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. Nos. 521, 563, 307, 558, 339, 586 and 524 were read the second time.

H. F. No. 75 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Tennesen moved that the name of Mr. Merriam be added as co-author to S. F. No. 999. The motion prevailed.

Mr. Ashbach moved that the name of Mr. Lessard be added as co-author to S. F. No. 1206. The motion prevailed.

Mr. Luther moved that the name of Mr. Johnson be added as co-author to S. F. No. 1229. The motion prevailed.

Mrs. Brataas moved that the name of Mr. Knutson be stricken and the name of Mr. Lessard be added as co-author to S. F. No. 1232. The motion prevailed.

Mr. Strand moved that the name of Mr. Olhoft be added as co-author to S. F. No. 1235. The motion prevailed.

Mr. Strand moved that the name of Mr. Gunderson be added as co-author to S. F. No. 1240. The motion prevailed.

Mr. Benedict moved that the name of Mr. Tennesen be stricken and the name of Mr. Lessard be added as co-author to S. F. No. 1244. The motion prevailed.

Mr. Willet moved that the names of Messrs. Nichols, Peterson and Setzepfandt be added as co-authors to S. F. No. 1201. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 1072 a Special Order to be heard immediately.

S. F. No. 1072: A bill for an act relating to appropriations; appropriating money for the fiscal year ending June 30, 1977.

Mr. Moe moved to amend S. F. No. 1072 as follows:

Page 1, line 12, strike "\$10,639,770" and insert "\$10,403,778"

Page 1, strike all of section 3

Renumber the remaining section

The motion prevailed. So the amendment was adopted.

Mr. Ashbach moved to amend S. F. No. 1072 as follows:

Page 1, after line 22 insert:

"Sec. 4. Commissioner of Public Welfare

This appropriation represents an amount necessary to provide welfare allowances for clothing and personal needs for individuals receiving medical assistance while confined in any skilled nursing home or intermediate care facility in this state for \$50 per month since July 1, 1976.

\$3,750,000"

Renumber the remaining section.

Mr. Moe raised a point of order as to the germaneness of the amendment.

The President ruled the amendment was out of order.

S. F. No. 1072 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 872 a Special Order to be heard immediately.

S. F. No. 872: A bill for an act relating to state government; closing Hastings state hospital.

Mr. Vega moved to amend S. F. No. 872 as follows:

Page 1, after line 18, insert a new section to read:

"Sec. 3. Subdivision 1. The sum of \$100,000 is appropriated to the commissioner of public welfare for distribution to Dakota county, Ramsey county and Washington county for the period year ending December 31, 1977, for planning of a community based mental illness and chemical dependency treatment program serving Dakota county, Ramsey county and Washington county.

Subd. 2. The sum of \$3,400,000 is appropriated to the commissioner of public welfare for distribution to the county boards of Dakota county, Ramsey county and Washington county for the biennium ending June 30, 1979, for the implementation of a community based mental illness and chemical dependency treatment program serving Dakota county, Ramsey county and Washington county.

Subd. 3. The monies appropriated pursuant to subdivisions 1

and 2 shall be allocated to Dakota county, Ramsey county and Washington County on a per capita basis using the most current metropolitan council population estimates."

Further, amend the title as follows:

Page 1, line 3, after "hospital" insert "; providing for community based treatment programs; appropriating money"

CALL OF THE SENATE

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

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

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

The question recurred on the Vega amendment.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 47, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knutson	Sieloff	Ueland, A.
Benedict	Frederick	McCutcheon	Sikorski	Vega
Bernhagen	Hughes	Nelson	Sillers	
Chenoweth	Johnson	Olson	Stumpf	

Those who voted in the negative were:

Anderson	Gunderson	Luther	Peterson	Staples
Bang	Hanson	Menning	Pillsbury	Stokowski
Borden	Jensen	Merriam	Purfeerst	Strand
Brataas	Keefe, J.	Milton	Renneke	Tenneke
Chmielewski	Keefe, S.	Moe	Schaaf	Ulland, J.
Coleman	Kirchner	Nichols	Schmitz	Wegener
Davies	Knoll	Ogdahl	Schrom	Willet
Dieterich	Laufenburger	Olhoft	Setzepfandt	
Dunn	Lessard	Penny	Solon	
Gearty	Lewis	Perpich	Spear	

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

S. F. No. 872 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 7, as follows:

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

Those who voted in the negative were:

Bang	Chenoweth	Frederick	McCutcheon	Vega
Bernhagen	Engler			

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Davies moved that S. F. No. 1112 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Health, Welfare and Corrections. The motion prevailed.

THIRD READING OF SENATE BILLS

S. F. No. 13: A bill for act relating to jurisdiction over federal lands; permitting acceptance by the state of retrocession of jurisdiction over federal lands by federal agencies; amending Minnesota Statutes 1976, Section 1.043; and Chapter 1, by adding a section.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 345: A bill for act relating to the Minnesota municipal board; providing for per diem compensation and reimbursement of expenses for board members; amending Minnesota Statutes 1976, Section 414.01, Subdivision 6a.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Dieterich and Keefe, J. voted in the negative.

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 231: A bill for act relating to transportation; permitting advertising on bus shelters and trash receptacles on highway right of way; amending Minnesota Statutes 1976, Section 160.27, Subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 27, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Lewis	Purfeerst	Staples
Bang	Gearty	Menning	Renneke	Stokowski
Bernhagen	Gunderson	Milton	Schmitz	Strand
Borden	Hughes	Nichols	Schrom	Tennessee
Brataas	Jensen	Ogdahl	Setzepfandt	Ueland, A.
Chmielewski	Keefe, S.	Olson	Sieloff	Ulland, J.
Dunn	Kleinbaum	Penny	Sillers	Vega
Engler	Laufenburger	Pillsbury	Solon	

Those who voted in the negative were:

Anderson	Hanson	Lessard	Olhoft	Stumpf
Benedict	Humphrey	Luther	Perpich	Wegener
Chenoweth	Johnson	McCutcheon	Peterson	Willet
Coleman	Keefe, J.	Merriam	Schaaf	
Davies	Knoll	Moe	Sikorski	
Dieterich	Knutson	Nelson	Spear	

So the bill passed and its title was agreed to.

H. F. No. 291: A bill for an act relating to education; school districts; joint powers; authorizing joint boards to acquire certain property for data processing; amending Minnesota Statutes 1976, Section 123.73.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

CONSENT CALENDAR

S. F. No. 827: A bill for act relating to the city of Duluth; authorizing the establishment and administration of a city housing finance program and expenditures for the purpose; providing for the issuance of revenue bonds.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Davies, McCutcheon, Merriam and Tennessee voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 828: A bill for act relating to the city of Duluth; authorizing the city to acquire, construct, and maintain parking facilities and to finance same.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Benedict	Davies	Gunderson	Merriam	Tennessee
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So the bill passed and its title was agreed to.

H. F. No. 661: A bill for act relating to highway traffic regulations; exempting trucks engaged in hauling hay from certain weight restrictions during a specified period of time.

With the unanimous consent of the Senate, Mr. Wegener moved to amend H. F. No. 661 as follows:

Page 1, line 10, after "engaged" insert "exclusively"

The motion prevailed. So the amendment was adopted.

H. F. No. 661 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

H. F. No. 21: A bill for 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.

With the unanimous consent of the Senate, Mr. Schmitz moved to amend H. F. No. 21 as follows:

Page 2, line 1, after "senate" insert "*and shall be returned to the senator or representative upon taking the oath of office*"

Amend the title as follows:

Line 4, after "legislature" insert "and returned to the member"

The motion prevailed. So the amendment was adopted.

H. F. No. 21 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 55 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Olson	Sikorski
Bang	Gunderson	Lessard	Penny	Sillers
Benedict	Hanson	Luther	Perpich	Solon
Bernhagen	Hughes	McCutcheon	Peterson	Staples
Brataas	Humphrey	Menning	Pillsbury	Stokowski
Chenoweth	Jensen	Merriam	Purfeerst	Strand
Chmielewski	Johnson	Moe	Renneke	Stumpf
Coleman	Keefe, J.	Nelson	Schaaf	Ulland, A.
Dieterich	Kleinbaum	Nichols	Schmitz	Ulland, J.
Engler	Knoll	Ogdahl	Setzepfandt	Vega
Frederick	Knutson	Olhoft	Sieloff	Wegener

Messrs. Davies, Spear, Tennessen and Willet voted in the negative.

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

GENERAL ORDERS

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

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

S. F. No. 651, which the committee recommends to pass.

S. F. No. 57, which the committee recommends to pass with the following amendment offered by Mr. Kleinbaum:

Page 1, line 22, after "*possession*" insert "*or consumption*"

Page 2, line 1, strike "*post-secondary*" and insert "*state university*"

Page 2, line 2, strike "*its*" and insert "*the*"

Page 2, line 2, after "*grounds*" insert "*of a state university*"

Page 2, line 2, after "*possession*" insert "*or consumption*"

Page 2, line 4, strike "*by the appropriate governing body of*" and insert "*for*"

Page 2, line 5, strike "*post-secondary institution*" and insert "*state university by the state university board*"

S. F. No. 478, which the committee recommends to pass with the following amendment offered by Mr. Ulland, J.:

Page 1, line 11, reinstate the stricken "100,000" and strike "95,000"

Page 1, line 12, after "inhabitants" insert "*provided that once a city is defined to be of the first class, it shall not be reclassified unless its population decreases by twenty-five percent from the census figures which last qualified the city for inclusion in the class*"

Page 1, line 14, reinstate the stricken "100,000" and strike "95,000"

S. F. No. 105 which the committee reports progress, subject to the following motion:

Mr. Davies moved to amend S. F. No. 105 as follows:

Page 3, line 24, after "not" insert "*within a reasonable time after being informed thereof*"

Page 3, line 25, strike "*within a reasonable time after*"

Page 3, line 26, strike "*being informed thereof,*"

Page 5, line 13, strike "*Any interested party may bring*"

Page 5, line 13, strike "at" and insert "*to determine*"

Page 5, line 14, strike "*any time for the purpose of determining*"

Page 5, line 16, after "(e)" and before the period insert "*may be brought at any time by the child, the mother or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor*"

Page 5, line 30, strike "*or child*"

Page 5, line 30, after "section" and before the period insert "*by the child or the public authority chargeable by law with the support of the child*"

Page 6, line 4, strike "*without the concurrence of an adoptive*"

Page 6, line 5, strike "*parent*"

Page 10, line 24, strike "*a provision*" and insert "*provisions*"

Page 10, strike lines 25 and 26

Page 10, line 28, after the first comma insert "*the name of the child,*"

Page 11, line 6, strike the second "the" and insert "*other form of payment*"

Page 11, line 7, strike "*purchase of an annuity*"

Page 12, line 23, strike "*the uniform reciprocal enforcement of*" and insert "*sections 518.41 to 518.53*"

Page 12, line 24, strike "*support act*"

Page 12, line 26, after "*jurisdiction*" insert "*based on substantial change of circumstances*"

Page 12, strike lines 31 and 32

Page 13, line 1, strike "*subdivision 4, may specify*" and insert "*to the extent that the court specifies*"

Page 14, line 3, strike "*Any interested party*" and insert "*A child, the father or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the father if the father has died, a woman alleged or alleging herself to be the mother, or the personal representative or a parent of the alleged mother if the alleged mother has died or is a minor*"

Page 14, line 9, strike "*Any*" and insert "*A person's signed*"

Page 14, line 9, strike "*in writing*"

Page 15, line 6, strike "*CUSTODIAL*" and insert "*ADOPTION; TERMINATION*"

Page 15, line 15, strike "*unless the father's relationship to the*" and insert "*as provided in section 259.26.*"

Page 15, strike lines 16 to 19

Page 16, line 17, after "*the*" insert "*termination*"

Page 17, line 8, strike "*adoption*" and insert "*termination*"

Page 20, lines 13 to 19, restore the stricken language

Page 20, line 32, strike "*order*" and insert "*new certificate*"

Page 21, strike section 32

Page 24, line 25, after "*decree*" and before the comma insert "*or a decree of dissolution*"

Page 28, lines 22 to 25, restore the stricken language

Page 29, lines 24 and 26, strike "*an adoption*" and insert "*a termination*"

Page 29, line 29, restore the stricken "*259.26*"

Page 29, line 32, strike "*25*"

Pages 30 and 31, strike sections 45 and 46

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 12, strike "*144.175, Subdivision 2;*"

Page 1, line 15, after the fourth semicolon insert "*and*"

Page 1, line 16, strike "*525.172; and 525.173;*"

The motion prevailed. So the amendment was adopted.

S. F. No. 105 was then progressed.

S. F. No. 265 which the committee reports progress, subject to the following motions:

Mr. Schrom moved to amend S. F. No. 265 as follows:

Page 1, after line 14, insert:

“Sec. 2. This act shall be effective the day following final enactment.”

The motion prevailed. So the amendment was adopted.

Mr. Schaaf moved to amend S. F. No. 265 as follows:

Page 1, line 9, after “Section 1.” insert “[RESTORATION OF CERTAIN TOWN ROADS.] Subdivision 1. [LIABILITY OF PERSONS UTILIZING ROAD BUILDING MATERIALS.]”

Page 1, line 10, after “shall” insert “restore or shall”

Page 1, after line 14, insert:

“Subd. 2. [CONTRACTS BY POLITICAL SUBDIVISIONS.] Whenever a political subdivision and a private contractor enter a contract that contemplates the transporting of road building materials by that contractor or a subcontractor over a town road, the political subdivision shall require, as a term of that contract, that the contractor assume the liability of the political subdivision under subdivision 1.”

The motion prevailed. So the amendment was adopted.

S. F. No. 265 was then progressed.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:30 o'clock a.m., Thursday, April 14, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate