

### THIRTY-NINTH DAY

St. Paul, Minnesota, Saturday, April 23, 1977

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

### CALL OF THE SENATE

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

Bang	Johnson	Moe	Sieloff	Ulland, J.
Coleman	Keefe, S.	Nelson	Sikorski	Vega
Davies	Kirchner	Ogdahl	Sillers	Wegener
Dieterich	Kleinbaum	Olhoft	Spear	Willet
Engler	Lessard	Penny	Staples	
Gearty	Lewis	Perpich	Strand	
Gunderson	Luther	Schmitz	Tennessee	
Hanson	McCutcheon	Schrom	Ueland, A.	

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

Prayer was offered by the Chaplain, Rev. Roger F. Carroll.

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

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

The President declared a quorum present.

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

### MEMBERS EXCUSED

Mr. Knutson was excused from the Session of today. Mr. Ueland, A. was excused from the Session of today at 4:00 o'clock p.m.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The Honorable Edward J. Gearty  
President of the Senate

April 20, 1977

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. 22 and 401.

The Honorable Edward J. Gearty  
President of the Senate

April 21, 1977

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. No. 483.

Sincerely,  
Rudy Perpich, Governor

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

April 21, 1977

The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1977 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1977	Date Filed 1977
22		26	April 20	April 21
401		27	April 20	April 21
	235	28	April 20	April 21
	262	29	April 20	April 21
	291	30	April 20	April 21
	558	31	April 20	April 21

Sincerely,  
Joan Anderson Growe,  
Secretary of State

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Messrs. Hanson, Merriam and Dieterich introduced—

S. F. No. 1425: A bill for an act relating to witnesses; exempting a registered nurse from testifying against a client; amending Minnesota Statutes 1976, Section 595.02.

Referred to the Committee on Judiciary.

Mr. Milton introduced—

S. F. No. 1426: A bill for an act relating to economic development; industrial development bonds; removing requirement of approval by commissioner of economic development; amending Minnesota Statutes 1976, Section 474.01, Subdivision 7.

Referred to the Committee on Employment.

Messrs. Hanson, McCutcheon, Borden, Nelson and Strand introduced—

S. F. No. 1427: A bill for an act relating to crimes; lowering the age for juvenile court jurisdiction; mandatory minimum terms for certain felonies; redefining certain felonies; changing the length of terms of imprisonment for certain felonies; amending the value involved in certain felony property offenses; authorization for arrest without warrant for gross misdemeanors although not committed in a peace officer's presence; prescribing penalties; amending Minnesota Statutes 1976, Sections 260.015, Subdivision 2; 260.111, Subdivision 1; 260.193, Subdivision 5; 260.215, Subdivision 1; 609.11; 609.135, by adding a subdivision; 609.168; 609.185; 609.195; 609.225, by adding subdivisions; 609.25, Subdivision 2; 609.27, Subdivision 2; 609.275; 609.32, Subdivision 1; 609.343; 609.344; 609.345; 609.49; 609.52, Subdivision 3; 609.53; 609.551, Subdivision 1; 609.562; 609.563; 609.595, Subdivision 1; 609.625, Subdivision 1, and by adding subdivisions; 629.34; 629.35; and Chapter 609, by adding a section; repealing Minnesota Statutes 1976, Sections 609.15, Subdivision 2; and 609.63.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 1428: A bill for an act relating to American Indians; changing references from native American to American Indian; defining in terms of a federally recognized tribe; amending Minnesota Statutes 1976, Sections 84.10; 124.48; 145.922, Subdivision 2; 152.02, Subdivision 2; 245.76; 254A.02, Subdivision 11; 254A.03; 254A.031; 254A.07, Subdivision 2; 325.41; 362.40, Subdivision 2; 462A.07, Subdivision 14; 462A.21, Subdivision 4c; 462A.26; 472.03, Subdivision 12; and 517.18, Subdivision 4.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Davies, Hanson, Strand, Mrs. Staples and Mr. Lessard introduced—

S. F. No. 1429: A bill for an act relating to veterans; permitting the commissioner of veterans affairs to act as guardian for minors or incompetents without posting bond; amending Minnesota Statutes 1976, Chapter 196, by adding a section.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Spear introduced—

S. F. No. 1430: A bill for an act relating to intoxicating liquors; limiting the issuance and ownership of intoxicating liquor licenses; providing penalties for issuance to and ownership by one person of more than one intoxicating liquor license in each municipality; amending Minnesota Statutes 1976, Section 340.13, Subdivision 3.

Referred to the Committee on Commerce.

Messrs. Luther, Willet, Dunn and Hanson introduced—

S. F. No. 1431: A bill for an act relating to food; regulation and licensing of food handlers; defining terms; providing for inspection or license fees for certain coin operated food vending machines; amending Minnesota Statutes 1976, Sections 28A.03; and 28A.09.

Referred to the Committee on Commerce.

Messrs. Peterson, Willet, Schaaf, Nichols and Nelson introduced—

S. F. No. 1432: A bill for an act relating to public safety; requiring the written driver's license examination to include questions regarding the applicant's knowledge and understanding of the impairing effects of alcohol and intoxicating beverages and narcotic drugs on the ability to drive; amending Minnesota Statutes 1976, Section 171.13, Subdivision 1.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Peterson, Willet, Schaaf, Nichols and Nelson introduced—

S. F. No. 1433: A bill for an act relating to highway traffic regulations; providing for mandatory minimum terms of imprisonment for conviction of driving while intoxicated; amending Minnesota Statutes 1976, Section 169.121, Subdivisions 3 and 4.

Referred to the Committee on Judiciary.

Messrs. Schmitz, Knutson and Sieloff introduced—

S. F. No. 1434: A bill for an act creating a legislative commission to study regional governments in Minnesota; appropriating money therefor.

Referred to the Committee on Local Government.

Messrs. Sikorski, Davies, Borden, Johnson and Luther introduced—

S. F. No. 1435: A bill for an act relating to insurance; requiring insurers to supply cover sheets for insurance policies; requiring insurers to issue readable insurance policies; establishing testing procedures for readability.

Referred to the Committee on Commerce.

Messrs. Laufenburger, Merriam, Willet, Engler and Luther introduced—

S. F. No. 1436: A bill for an act relating to pollution control; authorizing the pollution control agency to establish standards for the disposal of vessel wastes in Lake Superior harbors; authorizing certain harbor user fees; prescribing penalties; amending Minnesota Statutes 1976, Chapter 115, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Nichols introduced—

S. F. No. 1437: A bill for an act relating to retirement; limiting the maximum amount of annuities or benefits payable by a public employees retirement fund; amending Minnesota Statutes 1976, Chapter 356, by adding a section.

Referred to the Committee on Governmental Operations.

Mr. Nichols introduced—

S. F. No. 1438: A bill for an act relating to retirement; definition of dependent spouse for purposes of the public employees retirement law; amending Minnesota Statutes 1976, Section 353.01, Subdivision 20.

Referred to the Committee on Governmental Operations.

Mr. Nichols introduced—

S. F. No. 1439: A bill for an act relating to motor vehicles; registration and taxation; reducing the fee for duplicate plates in certain circumstances; amending Minnesota Statutes 1976, Section 168.29.

Referred to the Committee on Transportation.

Messrs. Olhoft, Hanson and Johnson introduced—

S. F. No. 1440: A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disregard small amounts due or penalties and to require withholding of

delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Staples, Messrs. Willet, Nelson, Humphrey and Kirchner introduced—

S. F. No. 1441: A bill for an act relating to outdoor recreation; providing for administration and control of additional sites by the Minnesota historical society; reclassifying certain existing state parks; amending Minnesota Statutes 1976, Sections 85.012, Subdivisions 1a, 10, 15, 18, 19, 21, 25, 26, 28, 30, 33, 34, 37, 40, 41, 43, 46, 49, 49a, 52, 53, and 59; and 138.025, by adding subdivisions; repealing Minnesota Statutes 1976, Sections 85.013, Subdivisions 14, 19 and 23; 138.53, Subdivisions 3, 5, 6 and 66; 138.55, Subdivision 21; 138.56, Subdivision 4; 138.57, Subdivision 10; 138.58, Subdivisions 9, 15, 24, 25, 27, 35, 47, 48, 51 and 59; and 138.585, Subdivisions 4, 5, 8, 11, 12, 14, 22, 23 and 24.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Chenoweth, Hughes, Stokowski, Milton and Ogdahl introduced—

S. F. No. 1442: A bill for an act relating to education; teachers; transferring certain functions of teacher licensing from the state board of education and the commissioner of education to the state board of teaching; amending Minnesota Statutes 1976, Sections 125.05, Subdivision 1; 125.08; 125.182, Subdivision 2; 125.185, Subdivisions 4, 5 and 6; repealing Minnesota Statutes 1976, Section 125.182, Subdivision 4.

Referred to the Committee on Education.

Messrs. Setzepfandt, Peterson, Willet, Hanson and Bernhagen introduced—

S. F. No. 1443: A bill for an act relating to agriculture; grain inspection and weighing; fees; providing a basis for establishing and adjusting fees; amending Minnesota Statutes 1976, Section 17B.15, Subdivision 2.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Setzepfandt, Peterson, Willet, Ashbach and Moe introduced—

S. F. No. 1444: A bill for an act relating to the Minnesota state

water pollution control fund; clarifying eligibility for 15 percent matching grants financed by the fund; eliminating certain matching grants; authorizing the issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1976, Sections 116.16, Subdivision 6; and 116.18, Subdivisions 1 and 4.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Schrom and Kleinbaum introduced—

S. F. No. 1445: A bill for an act appropriating money for the repair of the Sauk river dam at the city of Cold Spring in Stearns county.

Referred to the Committee on Finance.

Messrs. Knoll; Kirchner; Keefe, S.; Merriam and Milton introduced—

S. F. No. 1446: A bill for an act relating to the state council for the handicapped; authorizing appeals by the council from state building code decisions affecting the interests of handicapped persons; granting the council authority to promulgate rules governing display of the international symbol of accessibility; authorizing the council to initiate or intervene in proceedings affecting handicapped persons; amending Minnesota Statutes 1976, Sections 256.482, Subdivision 5, and by adding subdivisions; 299G.12; and Chapter 16, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Laufenburger introduced—

S. F. No. 1447: A bill for an act relating to natural resources; restricting acquisition of agricultural land for inclusion in the Richard J. Dorer Memorial Hardwood Forest.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Spear; Keefe, S.; Laufenburger; Mrs. Staples and Mr. Vega introduced—

S. F. No. 1448: A resolution memorializing Congress to repeal legislation limiting unemployment compensation of retired persons.

Referred to the Committee on Employment.

Messrs. Spear; Keefe, S.; Mrs. Staples and Mr. Vega introduced—

S. F. No. 1449: A bill for an act relating to unemployment compensation; changing total disqualification based on receipt of social

security benefits; amending Minnesota Statutes 1976, Section 268.08, Subdivisions 3 and 4.

Referred to the Committee on Employment.

Messrs. Peterson, Johnson, Willet, Lessard and Setzepfandt introduced—

S. F. No. 1450: A bill for an act relating to tourism; establishing a department of tourism; providing for its powers and duties; transferring certain functions from the department of economic development; appropriating money; amending Minnesota Statutes 1976, Sections 301A.01, Subdivision 1; 301A.05; 301A.07, Subdivision 1; 362.09, Subdivision 2; 362.10; 362.12, Subdivision 1a; 362.125; 362.13; and 362.23.

Referred to the Committee on Commerce.

Messrs. Milton, Vega, Mrs. Staples and Mr. Keefe, S. introduced—

S. F. No. 1451: A bill for an act relating to public welfare; providing for payment of boarding home care for children having cerebral palsy; authorizing increased state reimbursement for boarding home care for handicapped children; amending Minnesota Statutes 1976, Section 252.27, Subdivision 1.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Moe for the Committee on Finance introduced—

S. F. No. 1452: A bill for an act relating to the organization and operation of state government; appropriating money for education and related purposes with certain conditions, including the department of education, aids to libraries, higher education coordinating board, state universities, community colleges, and the university of Minnesota and its hospitals.

Under the rules of the Senate, laid over one day.

Mr. Knutson introduced—

S. F. No. 1453: A bill for an act relating to taxation; defining property exempt from property taxation; amending Minnesota Statutes 1976, Section 272.02, Subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mr. Bang, by request, introduced—

S. F. No. 1454: A bill for an act relating to Independent School District No. 272 (Eden Prairie) and Independent School District No. 271 (Bloomington); providing for the transfer of territory



from Independent School District No. 272 to Independent School District No. 271.

Referred to the Committee on Education.

Mr. Bang introduced—

S. F. No. 1455: A bill for an act relating to public welfare; requiring public hearings before licensing facilities; amending Minnesota Statutes 1976, Section 245.812, Subdivision 5.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Schaaf and Borden introduced—

S. F. No. 1456: A bill for an act relating to administrative procedures; providing for notice and hearing in various administrative decisions; amending Minnesota Statutes 1976, Sections 10A.20, Subdivision 10; 17A.06, Subdivisions 2 and 3; 27.06; 53.03, Subdivisions 1 and 2; 144.802; 155.11, Subdivisions 1 and 2; 216A.05, Subdivision 5; 218.041, Subdivision 3; 219.46, Subdivision 7; 219.47; and 219.741; repealing Minnesota Statutes 1976, Section 53.03, Subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. McCutcheon, Coleman, Johnson, Dieterich and Sillers introduced—

S. F. No. 1457: A bill for an act relating to taxation; changing definitions of gross income for income tax purposes and income for low income credit purposes; increasing certain individual credits; including amounts of certain pensions and benefits above employee contributions in gross income; broadening income tax credit to include all individual income subject to tax in another state; changing certain income tax deductions; changing provisions of allocation of gross income to this state; providing for withholding of tax from military pay; providing minimum tax on preference items; removing non-school district debt limitation from property classifications; changing certain tax levy administration procedures; changing definition of income, dependent and household income and changing amount of income-adjusted homestead credit; increasing local government aids and changing distribution and appeal procedures; providing a dependent care income tax credit; changing property tax levy limits for local governmental subdivisions; increasing school aids; decreasing assessed values of certain kinds of property; increasing state paid agricultural credit; providing school district levy procedures for 1977 and 1978; decreasing employer's tax; providing employer's tax credit to railroad companies; exempting newsprint from sales tax; providing an alternative sales tax procedure for railroad rolling stock; establishing a tax study commission; establishing procedures for estimated occupation tax; changing taconite tax provisions; establishing taconite environmental and economic protection fund; appropriating

money; amending Minnesota Statutes 1976, Sections 124.212, Subdivision 7b; 256.82; 273.13, Subdivisions 4, 6 and 7; 273.132; 273.134; 273.135, Subdivision 2; 275.07; 275.50, Subdivision 5; 275.51, by adding subdivisions; 275.52, Subdivision 2; 276.01; 276.04; 290.01, Subdivision 20; 290.012, Subdivision 4; 290.031, Subdivisions 3, 4 and 6; 290.06, Subdivision 3c; 290.08, Subdivision 6; 290.081; 290.09, Subdivisions 4 and 5; 290.17; 290.92, Subdivisions 1 and 16; 290A.03, Subdivisions 3 and 7; 290A.04, Subdivisions 1 and 2; 290A.05; 295.02; 297A.14; 297A.211, by adding a subdivision; 297A.25, Subdivision 1; 298.03; 298.22, Subdivision 1 and by adding a subdivision; 298.24, Subdivision 1; 298.244, Subdivision 2; 298.25; 298.27; 298.28, Subdivision 1; 298.282, Subdivisions 1 and 2; 477A.01, Subdivisions 1, 2, 3, 4 and by adding subdivisions; Chapter 3, by adding a section; Chapter 290, by adding sections; and Chapter 298, by adding sections; repealing Minnesota Statutes 1976, Sections 273.011; 273.012; 290.09, Subdivisions 24 and 26; 290.65, Subdivision 1; and 290.066; 294.27; 294.28; 298.24, Subdivision 2; 298.241; 298.243; 298.244, Subdivision 1; 298.28, Subdivision 1a; and 298.281.

Referred to the Committee on Taxes and Tax Laws.

#### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 585, 800 and 1005.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 21, 1977

#### FIRST READING OF HOUSE BILLS

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

H. F. No. 585: A bill for an act relating to taxation; altering definitions of "income" for senior citizen's property tax freeze purposes; "taxes", "alimony" and "investment company" for income tax purposes; allowing commissioner of revenue to disregard small amounts due or penalties and to require withholding of delinquent taxes by employees; providing for tax lien on personal property; amending Minnesota Statutes 1976, Sections 273.012, Subdivision 3; 290.06, Subdivision 2c; 290.09, Subdivisions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

Referred to the Committee on Taxes and Tax Laws.

H. F. No. 800: A bill for an act relating to crimes; regulating the transfer of pistols; requiring a waiting period for pistol transfers; requiring police checks of pistol transferees; prohibiting transfers of pistols to certain persons; providing for transferee permits;

prescribing penalties; providing for statewide validity of permits to carry; amending Minnesota Statutes 1976, Sections 609.11, Subdivision 1, and by adding a subdivision; 609.135, Subdivision 1; 624.712, Subdivisions 2 and 4, and by adding a subdivision; 624.714, Subdivision 9, and by adding a subdivision; and Chapter 624, by adding sections; repealing Minnesota Statutes 1976, Section 609.11, Subdivision 2.

Referred to the Committee on Rules and Administration.

H. F. No. 1005: 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.

### REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk, with the exception of S. F. Nos. 1382 and 1384, be now adopted. The motion prevailed.

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

S. F. No. 1113: A bill for an act relating to taxation; changing certain procedures for objecting to real estate taxes; providing for city and town attorneys to handle prosecutions; amending Minnesota Statutes 1976, Sections 278.01 and 278.05.

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

Page 1, after the enacting clause insert:

“Section 1. Minnesota Statutes 1976, Section 277.011, Subdivision 1, is amended to read:

277.011 [DEFENSE OR OBJECTION TO TAX ON PERSONAL PROPERTY.] Subdivision 1. [SERVICE AND FILING OF PETITION.] Any person who claims that his personal property has been unfairly or unequally assessed, or that such property has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense or objection determined by the district court of the county in which the tax is levied by serving *two* copies of a petition for such determination upon the county auditor ; *and one copy each on the county treasurer ; and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court on or before the first day of July of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a*

*home rule charter or statutory city or town in which the property is located, if that city or town employs its own certified assessor.*

Sec. 2. Minnesota Statutes 1976, Section 277.011, Subdivision 5, is amended to read:

Subd. 5. [TRIAL OF ISSUES.] Such petition, without any answer, return, or other pleadings thereto, shall stand for trial at any general term in session when the same is filed; or, if the court be not then in session, at the next general or special term appointed to be held in the county; and, if no such term be appointed to be held within 30 days thereafter, the same shall be brought to trial at any general term appointed to be held within the judicial district upon ten days notice. *If the property on which the taxes have been levied is located in a home rule charter or statutory city or town, which employs its own certified assessor, the attorney for that governmental unit may, within 20 days after receipt by the governmental unit of the copy of the petition forwarded by the county auditor, give notice to the county attorney and to the petitioner or his attorney that the home rule charter or statutory city or town is taking charge of and prosecuting the proceeding. If the attorney for the home rule charter or statutory city or town does not give such notice, the attorney of the county in which these taxes are levied shall take charge of and prosecute such proceedings, but the county board may employ any other attorney to assist him. At the term at which such petition comes on for trial it shall take precedence of all other business before the court. The court shall without delay summarily hear and determine the claims, objections, or defenses made by the petition and shall direct judgment accordingly, and the trial thereof shall disregard all technicalities and matters of form not affecting the substantial merits."*

Page 3, after line 31, insert:

*"Sec. 5. [EFFECTIVE DATE.] This act is effective the day after final enactment."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "real" strike "estate" and insert "or personal property"

Page 1, line 5, after "Sections" insert "277.011, Subdivisions 1 and 5;"

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

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

S. F. No. 1116: A bill for an act relating to plats; authorizing plats to be prepared by photographic process in counties having microfilm capabilities; amending Minnesota Statutes 1976, Sections 505.08, by adding a subdivision; 505.1792, Subdivision 2; and 508.47, Subdivision 4.

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

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

S. F. No. 1387: A bill for an act relating to state lands; authorizing the conveyance by the state of certain lands in Steele county.

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

Page 2, after line 14, insert:

"Sec. 2. This act is effective upon approval by the Steele county board of commissioners and upon compliance with Minnesota Statutes, Section 645.021."

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

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

S. F. No. 1164: A bill for an act relating to Olmsted county; permitting sidewalk and related improvements to be financed by special assessment.

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

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

S. F. No. 3: A bill for an act relating to the city of Cottage Grove; authorizing the rendering of emergency service by a physician's trained mobile intensive care paramedic; authorizing reasonable charges for the services; granting limited immunity from civil liability for paramedics and physicians advising or instructing paramedics.

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

Page 3, strike lines 28 to 32

Page 4, strike lines 1 to 18

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

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

S. F. No. 1103: A bill for an act relating to counties; county appropriations for patrol of county highways and roads; eliminating the restriction on the Hennepin county board of commission-

ers in relation thereto; amending Minnesota Statutes 1976, Section 375.46, Subdivision 1.

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

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for"

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

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

S. F. No. 1023: A bill for an act relating to public indebtedness; regulating the sale of securities by municipalities subject to reverse repurchase agreements; providing penalties for misconduct of municipal officers in the execution of agreements; amending Minnesota Statutes 1976, Section 475.51, by adding a subdivision; and Chapter 475, by adding a section.

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

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

S. F. No. 880: A bill for an act relating to towns; granting certain towns the powers of statutory cities.

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

Page 1, line 10, after "Sections" insert "412.111; 412.191, Subdivision 4;"

Page 1, line 11, strike "412.111;"

Page 1, line 12, strike "412.191, Subdivision 4;"

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

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

S. F. No. 1093: A bill for an act relating to taxation; providing for county treasurer to certify taxes prior to certification by county auditor; amending Minnesota Statutes 1976, Chapter 272, by adding a section.

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

Page 1, line 13, strike "*thereon*"

Page 1, line 15, strike "*therein*"

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

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

S. F. No. 1381: A bill for an act relating to the city of Saint Paul; authorizing the city council to adopt rules permitting payroll deductions for nonprofit entities.

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

Page 1, strike lines 13 and 14 and insert:

"The city council shall not unreasonably preclude a nonprofit entity from payroll deduction contributions. Unreasonable preclusion shall be defined as the refusal of the city to permit a deduction when 50 or more city employees have petitioned for an entity to be eligible for payroll deduction contributions from them."

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

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

S. F. No. 1382: A bill for an act relating to the city of St. Paul; providing that the employees of the housing and redevelopment authority of the city of St. Paul may remain employees of the authority or become employees of the city as the governing body of the city may determine; amending Laws 1976, Chapter 234, Section 4, Subdivision 4, and by adding a subdivision.

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

Page 2, line 2, after the stricken "be" insert "*, or any successor agency thereof,*"

Page 3, line 2, after "*benefits,*" insert "*except pension benefits,*"

Page 4, line 7, before "*The pension*" insert "*Notwithstanding any contrary provision of law,*"

Page 4, line 15, strike "*or to enroll in the pension and*"

Page 4, strike line 16 and insert "*under said pension plan or to become covered as coordinated members of the public employees retirement association upon election, by making such election within one year from the effective date of this act.*"

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

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

S. F. No. 1385: A bill for an act relating to the city of Saint Paul and county of Ramsey; providing for a division of costs to maintain the joint court house and city hall.

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

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

S. F. No. 1384: A bill for an act relating to the city of Saint Paul; establishing a public housing agency; transferring functions from housing and redevelopment authority.

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

Page 1, strike lines 7 through 15

Page 2, line 19, strike "all of"

Page 2, line 22, after "DUTIES.] insert "Except as provided in section 4,"

Page 2, line 23, strike "all"

Page 2, line 26, strike "except the" and insert ", including the power:"

Page 2, strike lines 27 through 30

Page 2, line 32, strike "consistent" and insert "inconsistent"

Page 2, line 32, after "law" insert "or city ordinance"

Page 3, line 2, after the comma, strike "and"

Page 3, line 3, after "compensation" insert ", and to accept transfer of housing employees from the housing and redevelopment authority of the city of Saint Paul. All such employees, except transfer employees, shall be covered as coordinated members of the public employees retirement association"

Page 3, line 7, strike "The site"

Page 3, strike lines 8 through 11

Page 3, line 12, strike "In providing public housing facilities, programs"

Page 3, strike lines 13 through 15

Page 3, line 16, strike "public housing for persons of low and moderate income."

Page 3, line 18, strike "previously"

Page 3, line 18, after "acquired" strike "by"

Page 3, line 18, after "incurred" insert "prior to the effective date of this act"

Page 3, line 22, after "obligations" insert ", existing collective



bargaining agreements and fringe benefit plan affecting employees transferred from the housing and redevelopment authority of the city of Saint Paul,"

Page 3, line 24, after "Saint Paul" insert "prior to the effective date of this act"

Page 3, after line 27, insert:

"Sec. 4. Notwithstanding the provisions of any other law, the agency shall not have the power:

(1) To levy and collect taxes or special assessments with respect to any existing or future public housing.

(2) To make any final determination, by rule or otherwise, or to expend any funds or incur any obligations with respect to or for the purpose of any construction, reconstruction, purchase, site selection, site acquisition, clearance and preparation, or determination of need for public housing without approval by the city council.

(3) To enact any rule or regulation, perform any act, expend any funds or incur any obligation inconsistent with law or city ordinance."

Renumber the sections in sequence

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

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

S. F. No. 1140: A bill for an act relating to agriculture; food licensing; defining a custom processor and providing for a custom processing permit; amending Minnesota Statutes 1976, Sections 28A.03; 28A.04; and 28A.13.

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

Page 3, line 20, after "*who*" insert "*for a fee*"

Page 3, line 21, strike the comma and insert "*or*"

Page 3, line 22, strike "*, or game*"

Page 3, line 23, strike the comma and insert "*or*"

Page 3, line 23, strike "*or game*"

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 re-referred

S. F. No. 1112: A bill for an act relating to human services;

providing certain services to juveniles; clarifying the authority of the juvenile court; amending Minnesota Statutes 1976, Sections 260.311, Subdivisions 1, 3 and 5; and 402.02, 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 referred

S. F. No. 111: A bill for an act relating to the firemen's relief association of the city of Centerville, computation of years of service for volunteer firemen.

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

Page 1, line 12, strike "Albertville" and insert "Centerville"

Page 1, line 20, strike "Albertville" and insert "Centerville"

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. 500: A bill for an act relating to the city of Hibbing; authorizing an increase in the service pensions of certain retired firemen; amending Laws 1935, Chapter 192, Section 1, as amended, by adding a subdivision.

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

Page 1, after line 18, insert:

*"Sec. 2. From and after the effective date of this act, neither the city of Hibbing nor the firemen's relief association in the city of Hibbing shall qualify for state fire aid pursuant to Minnesota Statutes, Chapter 69, nor shall the commissioner of insurance certify such association to the county auditor as provided in Minnesota Statutes, Section 69.021, unless the provisions of Laws 1971, Chapter 614, Section 2, are complied with. Such compliance shall be determined by the commissioner of insurance, and the association shall include the information needed for such determination with its annual financial report required by Minnesota Statutes, Section 69.051."*

Renumber the subsequent section

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. 1331: A bill for an act relating to the city of Litchfield; firemen's service pensions.

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

Page 1, strike lines 6 to 13, and insert:

"Section 1. All payments of service pensions from the special fund of the Litchfield volunteer firemen's relief association made prior to January 1, 1977, to former members of the association who were not age 50 at the time of the receipt of the service pension but which were not made prior to the age specified by the bylaws of the association are hereby deemed authorized."

Amend the title as follows:

Page 1, line 3, before the period insert "; validation of certain prior payments"

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. 1077: A bill for an act relating to the organization and operation of state government; creating a crime control planning board to supersede the governor's commission on crime prevention and control; requiring a statewide comprehensive plan for law enforcement and criminal justice administration; empowering the board to make grants to governmental agencies; designating the board as the state planning agency for purposes of federal legislation; prescribing other powers and duties; requiring annual reports; creating regional crime control advisory councils; requiring the preparation of regional plans; 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. [299A.03] [CRIME CONTROL PLANNING BOARD.] Subdivision 1. [POLICY.] The legislature declares that efforts to control crime in this state must begin with comprehensive and coordinated planning at the state and local levels. This planning must recognize the individual problems faced by jurisdictions in the state, but it must also recognize the necessity for direct and continuing cooperation among state and local law enforcement agencies, the judicial system and the federal government. Only through the creation of a representative statutory board empowered with broad planning, administrative and funding authority can this effort at improved crime control be successfully initiated.

Subd. 2. [CREATION; MEMBERSHIP.] There is created the crime control planning board in the executive branch of state government. The board shall be composed of the following 15 members:

(a) The chief justice of the Minnesota supreme court or, if he elects not to serve, a designee;

(b) The attorney general or a member of his staff designated by him;

(c) The commissioner of public safety or a member of his staff designated by him;

(d) The commissioner of corrections;

(e) A district, county or municipal court trial judge;

(f) The state court administrator; and

(g) Nine citizens of the state appointed by the governor, one of whom shall be designated by the governor as chairman.

The trial judge and the designee for the chief justice, if the chief justice elects not to serve, shall be appointed by the governor. In making these two appointments, the governor shall consider a list of at least three nominees for each position submitted to the governor by the chief justice within 30 days after the effective date of this section or the occurrence of a vacancy. The remaining members appointed by the governor shall include (1) persons employed by agencies or political subdivisions engaged in activities relating to law enforcement or criminal justice, (2) persons representing agencies engaged in providing youth services and preventing juvenile delinquency and (3) persons who would not qualify for appointment under any of the preceding categories but who are interested in activities within the jurisdiction of the board.

Subd. 3. [MEMBERSHIP TERMS; REMOVAL; COMPENSATION.] The members specified in subdivision 2, clauses (a) to (f) shall serve for their current term of employment with the state or election, as appropriate. The remaining members, except for the initial members, shall serve for terms of four years in a manner as provided in section 15.0575, subdivision 2. Members appointed by the governor, except for the trial court judge and the designee for the chief justice, if the chief justice elects not to serve, must receive the advice and consent of the senate. Except for the chairman, the compensation, removal and filling of vacancies of members appointed pursuant to clause (g), shall be as provided in section 15.0575. The terms of the initial members appointed pursuant to clause (g) shall be no more than four years and shall be determined by the governor so as to be consistent with the schedule of terms for subsequent members as provided in section 15.0575, subdivision 2.

Subd. 4. [ADVISORY TASK FORCES.] The board may establish advisory task forces pursuant to section 15.059 to assist it in the performance of its duties; provided that if the federal crime control acts require a task force to have more than 15 members, that task force shall be exempt from the 15 member limitation contained in section 15.059.

Subd. 5. [CHAIRMAN; STAFF.] The chairman of the board shall serve at the pleasure of the governor and shall receive a salary as provided by law. The chairman shall be experienced in the administration of programs related to law enforcement or criminal justice. He shall serve as executive director of the board and shall

preside at board meetings. He shall organize the work of the board and appoint all employees subject to the approval of the board. The director of the state planning agency shall provide the board with reasonable office space and administrative services requested by the board, and the board shall reimburse the director for the cost thereof.

Subd. 6. [PLANNING FUNCTIONS.] The board shall serve as the state planning agency to administer the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by the Crime Control Act of 1973, Public Law 93-83, by the Crime Control Act of 1976, Public Law 94-503 and by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, as amended, all of which acts are hereinafter collectively referred to as "federal crime control acts". The board shall develop and revise as necessary a comprehensive statewide plan for the improvement of law enforcement and criminal justice throughout the state. The comprehensive plan shall be deemed to include all individual plans submitted by the board as a prerequisite to the receipt of federal money and all other plans prepared by or under the direction of the board. These individual component plans shall be prepared so as to interrelate with each other and to provide for a unified and coherent statewide comprehensive plan. The plan shall include improvements in law enforcement and criminal justice systems which are designed to encourage interjurisdictional and interdisciplinary actions by affected governmental units. The plan and any revisions shall not be adopted as rules pursuant to chapter 15, but the board shall hold public hearings in respect to proposals for the plan and shall seek opinions of interested persons from outside the board as provided in section 15.0412, subdivision 6. To the extent that the plan or a component thereof is prepared in anticipation of the receipt of federal money, the plan or applicable component thereof shall be consistent with requirements of the federal crime control acts and shall accommodate where reasonable the form and content of regional plans for the improvement of law enforcement and criminal justice.

Subd. 7. [LEGISLATIVE REVIEW OF PLANS.] Prior to the final adoption of the statewide comprehensive plan or a component plan by the board, the draft of the plan shall be submitted to the legislature for review and comment by five members of the senate appointed by the subcommittee on committees of the senate committee on rules and administration, and five members of the house appointed by the speaker. A plan may not be adopted by the board without consideration of any legislative comments or recommendations received within 45 days of submission of the draft plan to the legislature. Any legislative comments and recommendations which are not incorporated in the plan and which are received within 45 days of submission shall be forwarded with the plan to any federal agencies. The board shall advise the legislature in writing of its intended response to the legislative comments and recommendations.

Subd. 8. [DISTRIBUTION OF GRANTS; APPROPRIATION.] The board shall distribute money given to it for distribu-

tion for law enforcement or criminal justice purposes. All moneys received by the state from the federal government or any other sources for distribution by the board are appropriated to the board. The board shall distribute money to state, regional and local agencies consistent with procedures, criteria and priorities which are promulgated by rule. To the extent that moneys to be distributed are federal moneys, the procedures, criteria and priorities shall be consistent with federal crime control acts and guidelines in respect to distribution of federal money. Before distributing money to a regional or local agency, the board shall have determined that the activities to be funded will not be contrary to the statewide comprehensive plan. Individual activities may be funded by the board, or it may elect to distribute money in a block grant to an agency for use in more than one approved activity. The board shall not fund an activity until it has approved a procedure for evaluation of the recipient agency's use of the money.

Subd. 9. [ADDITIONAL POWERS AND DUTIES.] The board, in cooperation with regional advisory councils established pursuant to subdivisions 12 to 14 and any other regional or local crime control planning units, shall:

(a) Assist state, regional and local agencies in the development of activities or proposed activities designed to improve law enforcement and the administration of justice;

(b) Assist recipient agencies in the implementation of activities funded by the board;

(c) Serve as liaison between agencies of all levels of government involved in law enforcement and criminal justice activities;

(d) Provide for the performance of fiscal audits, evaluations and monitoring of all recipient agencies in respect to activities funded pursuant to subdivision 8;

(e) Encourage and assist governmental agencies and courts in law enforcement and criminal justice planning activities;

(f) Study and recommend to the governor, the legislature and appropriate federal agencies methods for (1) controlling juvenile criminal activities, and (2) improving juvenile rehabilitation efforts, and (3) establishing suitable juvenile detention facilities;

(g) Study and recommend to the governor, the legislature, the state crime victims reparations board and appropriate federal agencies methods for compensating victims of crime in this state;

(h) Study and recommend to the governor and the legislature methods for improving the criminal justice system including methods to improve cross-jurisdictional enforcement;

(i) Solicit recommendations from appropriate standing committees of the legislature on methods to improve law enforcement and the administration of criminal justice in this state;

(j) Distribute to law enforcement and criminal justice agencies information on proposed, existing and completed activities funded or otherwise supported by the board;

(k) Periodically analyze and distribute statistical data which indicates the current status and trends of criminal justice activities; and

(l) Perform other functions directly related to the study and improvement of criminal justice activities including those permitted or required by federal crime control acts to the extent that those functions are not otherwise inconsistent with this section; provided that this section shall not be construed to authorize the board to undertake direct law enforcement activities or to engage in law enforcement or criminal justice activities which are specifically assigned or delegated to other state or local agencies.

Subd. 10. [GIFTS; GRANTS.] The board may apply for, accept and expend gifts and grants from the federal government and from other public and private sources in order to assist the board in carrying out the duties as provided in subdivisions 6 to 10.

Subd. 11. [REPORT.] Prior to December 15 of each year the board shall prepare and submit to the governor and the appropriate standing committees of the legislature a report summarizing its activities for the year ending the preceding September 30. The report shall include at least the following information:

(a) A summary of board activities including the listing of and justification for all rules promulgated by the board during the year;

(b) A description of all grant applications and plans submitted by the board to federal agencies and other sources;

(c) A listing by categories of all grant applications received by the board from state, local and regional agencies together with the disposition of the applications;

(d) A description of all activities funded by the board together with the board's rationale for funding each activity;

(e) Audit summaries for all completed activities funded by the board together with the board's evaluation of the activity and its estimation of future effects resulting from the funded activities;

(f) The number and locations of public hearings held by the board, a statement of methods used to announce the hearings, and the number of citizens attending each hearing;

(g) A statement of receipts and disbursements of board funds;

(h) The names, addresses and occupations of board members, and their dates of appointment and reappointment to the board;

(i) Recommendations to the board from standing committees of the legislature on matters relating to law enforcement and criminal justice, and the responses of the board thereto;

(j) Recommendations from the board to the governor, the legislature and appropriate federal agencies on desirable changes in law or appropriations which will significantly improve law enforcement and criminal justice administration;

(k) Priorities which the board employed in funding activities for the year following the year covered in the report; and

(l) Any other objective information which the board believes will be useful in reviewing board activities.

Subd. 12. [CRIME CONTROL PLANNING REGIONS.] For the purposes of coordinating local law enforcement and criminal justice activities and planning, the governor shall divide the state into crime control planning regions. Each region shall encompass one or more of the economic development regions authorized to be established by section 462.385, provided that one region shall encompass the territory defined by Laws 1967, Chapter 896. Any regional crime control advisory council shall function as a committee of that commission or contract with the commission as a consultant.

Subd. 13. [REGIONAL ADVISORY COUNCILS.] There shall be appointed in each criminal justice planning region a regional crime control advisory council of no more than 25 members by the county boards of the counties comprising each region. The metropolitan council shall include as a committee the regional crime control advisory council in the territory defined by Laws 1967, Chapter 896. The members shall serve for two year terms. Each county shall appoint at least one member. Composition of each regional advisory council shall be in conformity with the federal crime control acts. Members of each council, and the chairman and staff of each council, shall be selected in the manner as provided for that regional council on July 1, 1977. Nothing in this section shall be construed to prohibit the establishment of local crime control planning units where required or permitted by federal crime control acts and when not in violation of other law.

Subd. 14. [PLANNING FUNDS.] The board shall make available planning funds to each regional council for the purpose of assisting the board in the development of its annual statewide comprehensive plan. Each regional council shall adopt after public hearing a regional criminal justice plan which shall comply with board guidelines. A regional plan may not be in conflict with the statewide plan. The board shall provide for procedures to insure that:

(a) A plan submitted by a regional council to the board shall be approved or disapproved in whole or in part no later than 90 days after receipt by the board;

(b) Any part of a plan not so disapproved within 90 days of submission shall be deemed approved;

(c) The reasons for disapproval of the plan or any part of it shall contain a detailed explanation of the reasons for which the plan or part was disapproved, and an explanation of what supporting material is necessary for the board to reconsider the plan; and

(d) Disapproval of any plan or part of it shall not preclude the resubmission of the plan or part to the board at a later date.



Sec. 2. [TRANSITION PROVISIONS.] Subdivision 1. [SUPERSEDES GOVERNOR'S COMMISSION.] The crime control planning board created pursuant to section 1 supersedes and replaces the governor's commission on crime prevention and control created pursuant to executive order. The governor's commission shall cease to exist on and after July 1, 1977.

Subd. 2. [EFFECT OF CURRENT PROCEDURES.] Until rules and procedures are promulgated by the board as required by section 1, rules and procedures of the governor's commission shall remain in force and effect until superseded by board rules and procedures; provided, that the board shall have promulgated required new rules and procedures no later than July 1, 1978.

Subd. 3. [TRANSFER OF PERSONNEL; DOCUMENTS.] All employees of the governor's commission are transferred to the employ of the board without loss of compensation, seniority or other benefits. The commission shall transfer to the board its books, records and equipment.

Sec. 3. [APPROPRIATION.] There is appropriated to the crime control planning board for the purposes specified in this act the sum of \$. . . . . for the biennium ending June 30, 1979.

Sec. 4. [EFFECTIVE DATE.] This act is effective July 1, 1977."

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. 397: A bill for an act relating to the department of natural resources; providing conservation officers with the powers of peace officers; amending Minnesota Statutes 1976, Section 84.028, Subdivision 3.

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

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

S. F. No. 1183: A bill for an act relating to Minnesota Statutes; providing for the correction of erroneous, ambiguous, omitted and obsolete references and text; reenacting a law; eliminating certain duplicitous and conflicting provisions superseded by or conflicting with other provisions of law; amending Minnesota Statutes 1976, Chapter 15, by adding a section; Sections 3.973; 4.12, Subdivision 2; 10.13; 15.55; 16A.129; 33.13; 38.02, Subdivision 2; 38.13; 41.57, Subdivision 1; 43.051, Subdivisions 1 and 2; 55.095; 83.26, Subdivision 3; 116.36, Subdivision 1; 116A.20, Subdivision 6; 121.02, Subdivision 1; 121.11, Subdivision 5; 125.05, Subdivision 3; 144.01, Subdivision 1; 144A.19, by adding a subdivision; 161.14, Subdivision 19; 168.013, Subdivision 17; 168.12, Subdivision 1; 168.27, Subdivision 22; 176.101, Subdivision 3; 179.65, Subdivision 2;

192.551; 193.149; 202A.25, Subdivision 1; 207.19, Subdivision 1; 222.50, Subdivision 5; 246.02, Subdivision 2; 252.24, Subdivision 1; 256B.04, Subdivisions 10 and 11; 260.171, Subdivision 6; 270.50; 273.13, Subdivisions 6 and 7; 297.13, Subdivision 1; 336.9-104; 336.9-105; 336.9-404; 336.9-501; 340.039; 353.01, Subdivisions 2a and 6; 355.30; 375.18, Subdivision 8; 458.19; 462.364; 462A.04, Subdivision 1; 462A.22, Subdivision 10; 465.58; 485.01; 549.06; 609.556, Subdivision 1; and 645.44, Subdivision 5a; reenacting Laws 1976, Chapter 127; repealing Minnesota Statutes 1976, Sections 15.055; 17B.22, Subdivision 3; 43.37; 136A.02, Subdivision 2; 144.952; 169.132; Laws 1971, Chapter 427, Section 17; Laws 1974, Chapters 22, Section 5; and 256.

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. 101: A bill for an act relating to welfare; providing penalties for welfare offenses; requiring notification of change of circumstances; amending Minnesota Statutes 1976, Sections 256.-98; and 393.07, Subdivision 10.

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

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

Page 2, line 1, strike "shall be" and insert "is"

Page 2, line 1, after "and" insert "*shall be*"

Page 2, line 3, after the period insert "*The amount of the assistance incorrectly paid shall be the difference between the amount of assistance actually received and the amount to which the recipient would have been entitled under state and federal law had the welfare agency been informed of all material facts.*"

Page 2, line 4, strike "*by a court*"

Page 2, strike lines 16 to 32

Page 3, strike lines 1 to 4

Page 3, line 31, before "*Uses*" insert "*Wilfully*"

Page 4, line 2, before "*The*" insert "*The amount of food stamps incorrectly issued shall be the difference between the amount of food stamps actually received and the amount to which the recipient would have been entitled under state and federal law had the welfare agency been informed of all material facts.*"

Page 4, line 2, strike "*by a court*"

Amend the title as follows:

Page 1, line 3, strike "requiring notification of change"

Page 1, line 4, strike "of circumstances;"

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. 767: A bill for an act relating to mortgages; authorizing appointment of a receiver upon foreclosure and upon a showing that a mortgagor has breached certain covenants in the mortgage; amending Minnesota Statutes 1976, Sections 559.17; and 576.01.

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

Page 1, strike section 1

Page 2, line 28, strike "*where*" and insert "*if*"

Page 2, line 29, strike "\$250,000" and insert "\$500,000"

Page 2, line 31, strike the second comma

Page 2, line 32, strike "*, as the case may be,*"

Page 2, line 32, after "*may*" strike the comma

Page 2, line 32, strike "*and*"

Page 3, line 1, strike "*from time to time, in*" and insert "*apply to*"

Page 3, line 1, strike "*where*" and insert "*of the county in which*"

Page 3, line 2, strike "*, by an action*" and insert "*for the appointment of a receiver. An application under this subdivision may be brought independently of*"

Page 3, line 3, strike "*separate from*"

Page 3, line 4, strike "*, apply to the court*" and insert "*. After*"

Page 3, line 5, strike "*with*"

Page 3, line 6, strike "*for the appointment of*" and insert "*the court shall hear the application within 30 days after it is filed, and shall appoint*"

Page 3, line 13, after the third "*the*" insert "*taxes or special assessments*"

Page 3, line 14, strike "*same*"

Page 3, line 17, strike "*same*" and insert "*premiums*"

Page 3, line 20, strike "*A*" and insert "*The*"

Page 3, line 20, strike "*, who*"

Page 3, line 21, strike "*, shall be appointed immediately by the court upon a*"

Page 3, strike line 22

Page 3, line 23, strike "*the foregoing*"

Page 3, line 28, strike "*items*" and insert "*expenses*"

Page 3, line 29, strike "*above*" and insert "*in clauses (1), (2), and (3)*"

Page 4, line 7, strike "*part*"

Page 4, line 8, strike "*items*" and insert "*expenses*"

Page 4, line 9, strike "*and*" and insert a period

Page 4, line 13, strike "*items*" and insert "*expenses*"

Page 4, line 14, strike "*, which*" and insert "*. The affidavit*"

Page 4, line 15, strike the first comma

Page 4, line 15, strike "*as the case may be,*"

Page 4, line 28, strike "*either*"

Page 4, line 28, after "*or*" insert "*section*"

Page 4, line 29, strike "*and*" and insert a period

Page 4, line 30, strike "*in the case where*" and insert "*if*"

Page 4, line 32, strike "*and then as provided by*" and insert "*in which case any net sum remaining shall be paid pursuant to the terms of*"

Page 5, line 2, strike the comma

Page 5, strike line 3, and insert "*on or after August 1, 1977,*"

Page 5, line 4, strike "*act*" and insert "*and to amendments or modifications of such mortgages, and to amendments or modifications made on or after August 1, 1977, to mortgages executed before August 1, 1977, if the amendment or modification is duly recorded and is for the principal purpose of curing a default*"

Page 5, line 17, strike "*; and*" and insert a period

Page 5, line 25, strike "*July*" and insert "*August*"

Page 5, line 26, strike "*\$250,000*" and insert "*\$500,000*"

Page 5, line 27, strike "*the*"

Page 5, line 30, strike "*which*" and insert "*. The*"

Page 5, line 31, strike "*provided in either clause (4) or (5)*"

Page 5, line 32, strike "*following*" and insert "*follows*"

Page 6, line 1, strike "*(4)*" and insert "*(a)*"

Page 6, line 15, strike "*(5)*" and insert "*(b)*"

Page 6, line 18, after "*mortgagor*" insert a comma

Page 6, line 25, strike the comma

Page 6, line 26, strike the comma

Page 7, line 9, strike "(4)" and insert "(a)"

Page 7, line 11, strike "(5)" and insert "(b)"

Renumber the sections in sequence

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws,  
to which was referred

H. F. No. 598: A bill for an act relating to Becker county; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing the same and prescribing penalties for violations thereof.

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

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

S. F. No. 830: A bill for an act relating to the city of Duluth; authorizing the imposition of an additional tax on certain sales of food and drink; amending Laws 1973, Chapter 461, Section 1.

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws,  
to which was referred

H. F. No. 326: A bill for an act relating to taxation; Kittson and Marshall counties; providing for the imposition of a tax upon persons, copartnerships, companies, joint stock companies, corporations, and associations however organized engaged therein in the business of removing gravel from gravel pits or deposits of gravel, for enforcing and collecting the same and prescribing penalties for violations thereof.

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws,  
to which was referred

S. F. No. 626: A bill for an act relating to taxation; providing for reduced assessment classification and homestead treatment of certain resort property; amending Minnesota Statutes 1976, Section 273.13, Subdivisions 4 and 6.

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

Page 2, line 16, after "3b property" insert "*other than resort land as defined in paragraph (b)*"

Amend the title as follows:

Page 1, line 3, after "classification" strike "and homestead treatment"

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

Mr. McCutcheon from the Committee on Taxes and Tax Laws, to which was referred

S. F. No. 579: A bill for an act relating to taxation; providing that certain income tax credits for contributions may be carried forward; amending Minnesota Statutes 1976, Section 290.21, Subdivision 3.

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 290.21, Subdivision 3, is amended to read:

Subd. 3. An amount for contribution or gifts made within the taxable year:

(a) to or for the use of the state of Minnesota, or any of its political subdivisions for exclusively public purposes,

(b) to or for the use of any community chest, corporation, organization, trust, fund, association, or foundation located in and carrying on substantially all of its activities within this state, organized and operating exclusively for religious, charitable, public cemetery, scientific, literary, artistic, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual,

(c) to a fraternal society, order, or association, operating under the lodge system located in and carrying on substantially all of their activities within this state if such contributions or gifts are to be used exclusively for the purposes specified in subdivision 3(b), or for or to posts or organizations of war veterans or auxiliary units or societies of such posts or organizations, if they are within the state and no part of their net income inures to the benefit of any private shareholder or individual, or to an employee stock ownership trust as defined in section 290.01, subdivision 25. Where the beneficiaries of a stock ownership trust include the transferor, his spouse, children, grandchildren, parents, siblings or their children, the amount of the deduction shall be reduced by the product of multiplying said amount by their percentage interest in the trust,

(d) to or for the use of the United States of America for exclusively public purposes, and to or for the use of any community chest, corporation, trust, fund, association, or foundation, organized and operated exclusively for any of the purposes specified

in subdivision 3(b) and (c) no part of the net earnings of which inures to the benefit of any private shareholder or individual, but not carrying on substantially all of their activities within this state, in an amount equal to the ratio of Minnesota taxable net income to total net income,

(e) to a political party, as defined in section 200.02, subdivision 7, or a political candidate, as defined in section 210A.01, or a political cause when sponsored by any party or association or committee, as defined in section 210A.01, in a maximum amount not to exceed the following:

(1) contributions made by individual natural persons, \$100,

(2) contributions made by a national committeeman, national committeewoman, state chairman, or state chairwoman of a political party, as defined in section 200.02, subdivision 7, \$1,000,

(3) contributions made by a congressional district committeeman or committeewoman of a political party, as defined in section 200.02, subdivision 7, \$350,

(4) contributions made by a county chairman or a county chairwoman of a political party, as defined in section 200.02, subdivision 7, \$150;

(f) in the case of an individual, the total credit against taxable net income allowable hereunder shall not exceed 30 percent of the taxpayer's Minnesota gross income as follows:

(i) the aggregate of contributions made to organizations specified in (a), (b) and (d) shall not exceed ten percent of the taxpayer's Minnesota gross income;

(ii) the total credits under this subparagraph for any taxable year shall not exceed 20 percent of the taxpayer's Minnesota gross income. For purposes of this subparagraph, the credits under this section shall be computed without regard to any deduction allowed under subparagraph (i) but shall take into account any contributions described in subparagraph (i) which are in excess of the amount allowable as a credit under subparagraph (i); the sum of:

(i) 20 percent of the taxpayer's Minnesota gross income in the case of contributions described in clauses (c) and (e); and

(ii) 30 percent of the taxpayer's Minnesota gross income in the case of contributions or gifts described in clauses (a), (b) and (d), reduced by the amount of the credit allowable under subparagraph (i);

(g) in the case of an individual, if the amount of the contributions or gifts described in clauses (a), (b) and (d), when added to the amount of contributions described in clauses (c) and (e), payment of which is made in a taxable year, hereinafter referred to in this subdivision as the "contribution year", exceeds 30 percent of the taxpayer's Minnesota gross income for that year, the excess shall be treated as a gift or contribution pursuant to this subdivision, paid in each of the five succeeding taxable

years in order of time, but with respect to any succeeding taxable year, only to the extent of the lesser of the following amounts:

(i) the amount by which 30 percent of the taxpayer's Minnesota gross income for such succeeding taxable year exceeds the sum of the contribution and gifts described in this subdivision, payment of which is actually made by the taxpayer within such succeeding taxable year, and the contributions and gifts described in clauses (a), (b) and (d), payment of which was made in taxable years before the contribution year and which are treated pursuant to this clause as having been paid in such succeeding taxable year; or

(ii) in the first succeeding taxable year, the amount of such excess, and in the second, third, fourth and fifth succeeding taxable years, the portion of such excess not treated under this clause as a contribution or gift described in clauses (a), (b) and (d) paid in a taxable year between the contribution year and such succeeding taxable year;

(iii) If, in a contribution year, the taxpayer's Minnesota gross income exceeds \$100,000, clause (g) shall not apply and no contributions or gifts covered by clause (g) shall be carried forward to a subsequent year.

~~(g)~~ (h) in the case of a corporation, the total credit against net income hereunder shall not exceed 15 percent of the taxpayer's taxable net income less the credits allowable under this section other than those for contributions or gifts,

~~(h)~~ (i) in the case of a corporation reporting its taxable income on the accrual basis, if: (A) the board of directors authorizes a charitable contribution during any taxable year, and (B) payment of such contribution is made after the close of such taxable year and on or before the fifteenth day of the third month following the close of such taxable year; then the taxpayer may elect to treat such contribution as paid during such taxable year. The election may be made only at the time of the filing of the return for such taxable year, and shall be signified in such manner as the commissioner shall by regulations prescribe.

Sec. 2. [EFFECTIVE DATE.] *This act is effective for taxable years commencing after December 31, 1976.*"

Amend the title as follows:

Page 1, line 2, after the semicolon insert "changing computation of certain income tax credits for contributions;"

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

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

S. F. No. 1234. A bill for an act relating to education; authorizing the state board of education to create additional advisory task forces; amending Minnesota Statutes 1976, Section 15.014, by adding subdivisions.



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

Page 1, line 9, strike "subdivisions" and insert "a subdivision"

Page 1, line 12, strike "*is hereby authorized to*" and insert "*may*"

Page 1, line 13, strike "*not to exceed 15 members each,*"

Page 1, line 14, after the period insert "*A task force created pursuant to this subdivision shall expire within one year after its creation. The task force shall report to the state board before its expiration or upon the completion of its task, whichever occurs first.*"

Page 1, strike lines 15 to 19

Page 1, after line 19, insert:

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

Amend the title as follows

Page 1, line 5, strike "subdivisions" and insert "a subdivision"

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. 713: A bill for an act relating to the city of Fridley; membership of new police officers in the public employees retirement association; benefits and contributions for remaining members of the Fridley police pension association.

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

Page 3, line 2, after "Subd. 2." strike the balance of the line

Page 3, line 3, strike "423.809,"

Page 3, line 7, after "Fridley" and before the period insert "and who do not qualify for monthly disability or retirement benefits from the Fridley police pension fund pursuant to Minnesota Statutes, Section 423.809"

Page 3, line 23, after the first "who" strike the balance of the line and insert "qualify for monthly disability or retirement benefits from the Fridley police pension fund pursuant to Minnesota Statutes, Section 423.809"

Page 3, strike line 24

Page 3, line 25, strike "of the city of Fridley"

Page 4, line 1, strike "nondisabled"

Page 4, line 4, after "and" insert "who do not qualify for monthly disability or retirement benefits from the Fridley police pension

fund pursuant to Minnesota Statutes, Section 423.809, and"

Page 4, line 7, after "that" insert "whenever"

Page 4, line 8, strike "in excess of" and insert "have exceeded"

Page 4, line 8, after "year" insert "compounded annually"

Page 4, line 9, after "service" insert ", the excess"

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. 337: A bill for an act relating to the city of Fairmont; membership of new police in the public employees retirement association.

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

Page 2, line 5, strike "governed by Minnesota Statutes, Section"

Page 2, line 6, strike "69.71 to 69.77" and insert "eight percent of covered payroll"

Page 2, after line 9, insert:

"Sec. 4. Notwithstanding Minnesota Statutes, Section 69.031, Subdivision 5, Clause (2), the total police state aid shall be transmitted to the treasurer of the relief association to be deposited in the special fund of the relief association. In the event that the total police state aid exceeds the total municipal obligation with respect to the association as calculated pursuant to Minnesota Statutes, Section 69.77 and section 5 of this act, the amount of the police state aid in excess of the total municipal obligation shall be applied toward the employer contribution to the public employees police and fire fund."

Page 2, line 30, strike "then"

Page 2, after line 31, insert:

"Sec. 8. Notwithstanding the provisions of Laws 1963, Chapter 423, Section 1, relating to service pensions for policemen, a policeman whose years of service exceed 20 years shall, upon separation from active service and attainment of the age of at least 50 years, be entitled to receive an additional two percent of the current maximum monthly pay of a patrolman for each full year of service in excess of 20 years of service; provided, however, that additional credit shall not be granted for service in excess of 25 years of service or for service after the attainment of the age of 55 years."

Renumber the sections in sequence

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. 603: A bill for an act relating to the public service commission; confining appeals from its decisions to the record; allowing the commission to appeal adverse decisions of the district court to the supreme court; amending Minnesota Statutes 1976, Section 216.25.

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

Page 1, line 21, strike "department" and insert "*commission*"

Page 2, line 2, strike "department" and insert "*commission*"

Page 2, line 32, strike "*department*" and insert "*commission*"

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

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

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

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

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

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.

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

Page 1, line 9, strike "326.03" and insert "156A.03"

Page 1, line 11, strike "6" and insert "3"

Page 1, line 13, after "*licensed*" insert "*as a water well contractor*"

Page 1, line 13, strike "*chapter 156A*" and insert "*this section*"

Page 1, line 14, strike "*ground water observation*" and insert "*piezometer*"

Page 1, after line 15, insert the following:

*"Test holes and piezometer wells installed for engineering purposes shall be constructed, maintained and abandoned in accordance with chapter 156A and the rules promulgated thereunder."*

Amend the title as follows:

Line 5, strike "326.03" and insert "156A.03"

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

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

S. F. No. 1236: A bill for an act relating to veterans affairs; providing for a study of the need for a veterans facility; appropriating money.

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

Page 1, after line 12, insert:

"The commissioner shall report the results of the investigation and make recommendations to the legislature before January 1, 1978."

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

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

S. F. No. 1203: A bill for an act relating to the historical society; designating an agricultural interpretive center in the city of Fairmont.

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

Page 1, line 7, strike "shall" and insert "may"

Page 1, line 8, strike "designate" and insert "establish"

Page 1, line 9, strike everything after "center"

Page 1, line 10, strike "Interpretive Center"

Page 1, line 11, before the period insert "prepared pursuant to Laws 1975, Chapter 204, Section 55, Subdivision 5, Clause c"

Amend the title as follows:

Page 1, line 2, strike "designating" and insert "permitting establishment of"

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

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

S. F. No. 1029: A bill for an act relating to counties; authorizing inclusion of cities in sewer and water districts; allowing certain special assessments; providing a flexible accounting system for

multi-county projects; amending Minnesota Statutes 1976, Sections 116A.01, Subdivisions 1, 1a, 2 and 4, and by adding a subdivision; 116A.12, by adding a subdivision; 116A.16; 116A.17, Subdivision 2; 116A.20, Subdivisions 2 and 6; and 116A.24, Subdivision 3.

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

Page 1, line 24, strike "to serve such area"

Page 2, line 7, before "Minnesota" insert "Sec. 2."

Page 7, after line 12, insert:

*"The power conferred in this subdivision to levy taxes shall be in addition and supplemental to the powers conferred by any other provisions of chapter 116A to levy taxes.*

Sec. 7. Minnesota Statutes 1976, Section 116A.02, is amended by adding a subdivision to read:

*Subd. 5. [USE OF PETITIONER'S LAND.] Each owner who joins in the petition grants to the county or counties or commission, if the system is established, an easement to use his land within the system area for the purposes of the system in any manner that will not permanently and substantially disturb his own use, including the right to enter upon his land temporarily for construction or maintenance of the system, provided that notice that the petition has the effect of granting the easement is set forth in the petition or is otherwise given in writing to the owner prior to his execution of the petition. Unless an emergency exists, the owner may require one week's notice before entry pursuant to this subdivision.*

Sec. 8. Minnesota Statutes 1976, Section 116A.09, is amended to read:

116A.09 [ORDER FOR DETAILED SURVEY.] Upon the filing of the order as specified in section 116A.08, the board or court shall order the engineer to proceed to make a detailed survey and furnish all necessary plans and specifications for the proposed improvement, together with an estimate of the total cost of construction of the system, and report the same to the board or court with all reasonable dispatch. The cost estimate shall include the amounts payable to contractors at and prior to completion of construction in accordance with the plans and specifications; all court costs; *estimated* damages payable as reported by the viewers in accordance with section 116A.11; the cost of acquisition of all lands and easements required; the cost of necessary engineering, financial, legal, and other professional service; the cost of printing, publication, and mailing of all required notices of court proceedings, hearings, and bond sales; interest estimated to accrue on money to be borrowed for the system from the date or dates of borrowing to the initial date or dates of collection of special assessments or revenues of the system sufficient to carry current interest cost; and all other items of expense incurred or estimated

to be incurred in the establishment of the system from its inception to its completion. The board or court may direct the engineer to include in his report an assessment roll based upon calculation, by the county auditor or auditors with the assistance of the engineer or another qualified person selected by the board or court, of the proper amount to be specially assessed for the system against every assessable lot, piece, or parcel of land, without regard to cash valuation. The assessment roll shall be based upon the engineer's estimate of the total cost, but the board or court may direct the engineer also to calculate the expenses of operation of the system when completed, the times and numbers of connections thereto from buildings on individual lots, pieces, and parcels of land, the rates and amounts of connection charges and periodic use charges which may be made for the use and availability of the service of the system, the net revenues, over and above the current cost of operation and maintenance, which are estimated to be available, after completion, for the payment of principal and interest on money borrowed for the system, and the amounts by which the special assessments to be collected annually may be reduced or their payment deferred if such net revenues are realized.

Sec. 9. Minnesota Statutes 1976, Section 116A.11, Subdivision 4, is amended to read:

Subd. 4. [VIEWERS; DUTIES.] The viewers, with or without the engineer, shall ~~determine~~ *estimate* damages to all lands and properties affected by the proposed system and shall report their findings. The report shall show in tabular form the description of each lot and tract, or fraction thereof, under separate ownership, damaged and the names of the owners as the same appear on the current tax duplicate of the county. *Estimated* damages shall be reported on all lands owned by the state the same as upon taxable lands. The viewers shall report all *estimated* damages that will result to all railways and other utilities, including lands and property used for railway or other utility purposes. In case the viewers are unable to agree, each viewer shall state separately his findings on any matter disagreed upon. A majority of the viewers shall be competent to perform the duties required of them by sections 116A.01 to 116A.26."

Page 12, after line 5, insert

"Sec. 14. Minnesota Statutes 1976, Section 116A.24, Subdivision 1, is amended to read:

116A.24 [APPOINTMENT AND POWERS OF WATER AND SEWER COMMISSION.] Subdivision 1. ~~In all proceedings wherein a board or court orders~~ *Any time after the establishment of a water or sewer or combined water or sewer system, or the formation of a district under Minnesota Statutes, Section 116A.02, Subdivision 4, the board or boards or, when a multi-county system is established under Minnesota Statutes, Section 116A.12, the court may after the issuance of the order provide for the appointment of a water or sewer or water and sewer commission. Such a commission shall be appointed before the*

final award of a contract for the construction of any system ordered by the district court. The commission shall have not less than five members and not more than 11. Members shall be appointed at large by the county board or boards from within the areas in their respective counties which are served by the system or from within a district formed under section 116A.02, subdivision 4, which district includes the served areas. Commission members shall serve for terms of four years and until their successors are appointed and qualify. The commencement date of the term of each member and his successors shall be fixed by order of the board or *boards* or court so that as nearly as possible an equal number of members will be replaced or reappointed each year. When multi-county systems are ~~established~~ *involved*, commission membership shall be apportioned by the *boards* or court among the counties on the basis of their population served by the system or, if a district has been formed, on the basis of population located within that portion of each county situated within the district. When the area served by any system is enlarged ~~pursuant to section 116A.12, subdivision 9~~, and the commission members are not appointed from within a district formed under section 116A.02, subdivision 4, *which includes the enlarged system*, the board or *boards* or court shall reapportion or increase the membership and reestablish the terms so as to conform to the foregoing provisions, but each member shall continue to serve for the term for which he was appointed. Vacancies due to death, incapacity to serve, removal, or resignation shall be filled by the appointing boards for the unexpired terms.

Sec. 15. Minnesota Statutes 1976, Section 116A.24, Subdivision 2, is amended to read:

Subd. 2. Subject to the approval of the board or boards except to the extent that approval is waived by the board or boards in an order ~~issued pursuant to subdivision 4~~ *filed with and confirmed by order of the district court*, the water or sewer or water and sewer commission or *when a multi-county system is involved* a county board may do all things necessary to *establish*, construct, operate and maintain a system including but not limited to the following:

(a) Employ on such terms as it deems advisable, persons or firms performing engineering, legal or other services of a professional nature; require any employee to obtain and file with it an individual bond or fidelity insurance policy; and procure insurance in such amounts as it deems necessary against liability of the board or its officers and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

(b) Construct or maintain its systems or facilities in, along, on, under, over, or through public streets, bridges, viaducts, and other public rights-of-way without first obtaining a franchise from any local government unit having jurisdiction over

them; but such facilities shall be constructed and maintained in accordance with the ordinances and resolutions of any such government unit relating to construction, installation, and maintenance of similar facilities in such public properties and shall not obstruct the public use of such rights-of-way.

(c) Enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

(d) Have the power to adopt rules and regulations relating to the establishment of water or sewer rentals or user fees as may be deemed advisable and the operation of any system operated by it, and may provide penalties for the violation thereof not exceeding the maximum which may be specified for a misdemeanor. Any rule or regulation prescribing a penalty for violation shall be published at least once in a newspaper having general circulation in the area.

(e) Act under the provisions of section 471.59, or any other appropriate law providing for joint or cooperative action between government units.

(f) Acquire by purchase, lease, condemnation, gift, or grant, any real or personal property including positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain, and operate any system determined to be necessary or convenient for the collection and disposal of sewage or collection, treatment, and distribution of water in its jurisdiction. Any local government unit and the commissioners of highways and natural resources are authorized to convey to or permit the use of any such facilities owned or controlled by it by the board or commission, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation, without an election or approval by any other government agency. The board or commission may hold such property for its purposes, and may lease any such property so far as not needed for its purposes, upon such terms and in such manner as it shall deem advisable. Unless otherwise provided, the right to acquire lands and property rights by condemnation shall be exercised in accordance with sections 117.011 to 117.232, and shall apply to any property or interest therein owned by any local government unit; provided, that no such property devoted to an actual public use at the time, or held to be devoted to such use within a reasonable time, shall be so acquired unless a court of competent jurisdiction shall determine that the use proposed by the commission is paramount to such use. Except in case of property in actual public use, the board or commission may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

(g) Contract with the United States or any agency thereof, any state or agency thereof, or any local government unit or governmental agency or subdivision, for the joint use of any



facility owned by the board or such entity, for the operation by such entity of any system or facility of the board, or for the performance on the board's behalf of any service, on such terms as may be agreed upon by the contracting parties.

*(h) Exercise any other powers granted to the board or boards or court under chapter 116A, except for the financing powers authorized under subdivision 4."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "116A.02, by adding a subdivision; 116A.09; 116A.11, Subdivision 4;"

Page 1, line 11, strike "Subdivision" and insert "Subdivisions 1, 2 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. 1300: A bill for an act relating to transportation; highway beautification; authorizing the removal of unsafe buildings under certain conditions; amending Minnesota Statutes 1976, Chapter 161, by adding a section.

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

Page 1, line 12, strike everything after "*Subdivision 1.*"

Page 1, strike lines 13 to 15

Page 1, line 16, strike everything before "*a*" and insert: [ESTABLISHMENT OF PROGRAM.] *There is established"*

Page 1, line 23, strike everything after "*(a)*"

Page 2, strike lines 1 to 4 and insert "*Dilapidated building*" means any building which:

*(1) Has been allowed to deteriorate to the extent that it constitutes an eyesore or blight on the landscape, as determined by the unit of government having jurisdiction thereof; or*

*(2) Because of inadequate maintenance, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a hazard to public safety or health, as certified by the appropriate local or state official.*

"*Dilapidated building*" also means any hazardous building whose removal is ordered or authorized pursuant to Minnesota Statutes, Sections 463.15 to 463.261.

"*Dilapidated building*" does not include:

*(1) Any building whose expense of removal, not including legal*

*fees, equals or exceeds the estimated expense of bringing the building into compliance with all applicable building codes;*

*(2) Any building listed in the national register of historic places;*

*(3) Any building listed in the state registry of historic sites and the state inventory of historic sites maintained by the Minnesota historical society;*

*(4) Any building included in an historic district or redevelopment project established pursuant to law; or*

*(5) Any building recommended for preservation by a municipal heritage preservation commission.*

Page 2, after line 10, insert

*"(c) "Removal" means demolition of a dilapidated building, disposal of debris from the demolition, and landscaping to remove safety hazards or to restore the premises to a natural condition, as required by the rules of the department or any applicable statute or ordinance."*

Page 2, line 13, strike "*hazardous*" and insert "*dilapidated*"

Page 2, line 16, strike "*hazardous*" and insert "*dilapidated*"

Page 2, line 16, strike "*viewable*" and insert "*visible*"

Page 2, line 20, strike "*hazardous*" and insert "*dilapidated*"

Page 2, line 21, strike "*hazardous*" and insert "*dilapidated*"

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. 1269: A bill for an act relating to transportation; extending the time for submission by the commissioner of certain proposals relating to certain modes of transportation; amending Minnesota Statutes 1976, Section 174.06, Subdivision 7.

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

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

S. F. No. 324: A bill for an act relating to drivers licenses; increasing the fee for driver's licenses, and establishing a fee for non-qualification certificates; providing for uniform application fees; amending Minnesota Statutes 1976, Sections 171.06, Subdivisions 1, 2, and 4; and 171.07, Subdivision 3.

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

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

S. F. No. 1302: A bill for an act relating to transportation; providing for certain permitted advertising signs on federal primary aid highways; amending Minnesota Statutes 1976, Sections 173.03; 173.08; 173.13, Subdivision 1; and 173.16, Subdivision 1.

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

Page 2, line 19, strike "*shall*" and insert "*may*"

Page 3, line 6, strike "*shall*" and insert "*may*"

Page 7, strike lines 21 to 26 and insert:

*"Sec. 7. The commissioner of transportation shall study the problem of outdoor advertising devices including the need for adequate directional signing along state trunk highways to direct the traveling public to food, lodging and recreational facilities. This study shall include a review of the provisions of this act and other alternatives including participation by private industry for implementing a directional sign program. The commissioner shall submit the results of this study and recommendations for action to the legislature no later than January 15, 1978.*

*Sec. 8. [EFFECTIVE DATE.] Section 7 is effective the day following final enactment. The remaining sections of this act shall be effective August 1, 1977; provided that the commissioner shall take no action under this act which will result in the loss of federal aid for highway construction in this state."*

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. 888: A bill for an act relating to the city of Excelsior; proportionate service pensions and financing requirements of the firemen's relief association.

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 69.06, is amended to read:

69.06 [SERVICE PENSIONS.] Every fire department relief association organized under any laws of this state when its certificate of incorporation or bylaws so provide may pay out of any funds received from the state, or other source, a service pension in such amount, not exceeding \$30 \$60 per month, as hereinafter authorized, or as may be provided by its bylaws, to each of its members who has heretofore retired or may hereafter retire, who has reached or shall hereafter reach the age of 50 years and who has done or hereafter shall do active duty for 20 15 years or more as a member of a volunteer, paid or partially paid and partially volunteer, fire department in the municipality where

the association exists, and who has been or shall hereafter be a member of such fire department relief association at least ten years prior to such retirement and who complies with such additional conditions as to age, service, and membership as may be prescribed by the certificate or bylaws of the association.

*The association may also pay a service pension to each of its members who has done or hereafter does active duty for ten years or more, but less than 15 years, as a member of the fire department of the city and who is otherwise eligible to receive a service pension under this section and the bylaws of the association. The amount of service pension shall be 75 percent of the amount of the service pension payable upon completion of 15 years of service prorated on the basis that the number of years of service completed bears to 15 years.*

The amount of monthly pension which may be paid to such retired firemen may be increased by adding to the maximum above prescribed an amount not exceeding \$4 per month for each year of active duty over 20 15 years of service before retirement; provided, that no such fire department relief association shall pay to any member thereof a pension in any greater amount than the sum of \$120 per month.

Any such fire department relief association where the majority of its members are volunteer firemen may provide in its certificate of incorporation or bylaws for a service pension in an amount not exceeding \$600 per year of service to be paid in a lump sum where the retiring member qualifies for a service pension under the provisions hereinbefore set forth.

These pensions shall be uniform in amount, except as herein otherwise provided. No such pension shall be paid to any person while he remains a member of the fire department and no person receiving such pension shall be entitled to other relief from the association. No payments made or to be made by the association to any member on the pension role shall be subject to judgment, garnishment, execution, or other legal process and no person entitled to such payment shall have the right to assign the same, nor shall the association have the authority to recognize any assignment or pay over any sum which has been assigned.

Sec. 2. Minnesota Statutes 1976, Section 69.772, Subdivision 2, is amended to read:

Subd. 2. The following table shall be used to determine the liability of the special pension fund of the firemen's relief association relative to each active or deferred member of the fund, calculated individually:

Cumulative Year	Accrued Liability	
.....	.....	.....
1	\$30	\$35
2	62	71

3	95	110
4	120	150
5	167	192
6	205	236
7	246	283
8	288	332
9	333	383
10	380	437
11	429	494
12	481	553
13	535	616
14	592	681
15	652	750
16 and thereafter	714	50
	<i>additional</i>	
	<i>per year</i>	
17	780	
18	849	
19	922	
20	1000	
21 and thereafter	50	
	<i>additional</i>	
	<i>per year</i>	

The accrued liability reflected in dollar amounts after each cumulative year of service, is the total liability earned to date for each \$1,000 of lump sum retirement benefit which will be payable to a member after age 50 and 20 15 years of service in accordance with the state statutes and bylaws of the association. The special fund accrued liability for each individual member shall be that multiple or portion of the amounts listed in the table, that the actual benefits provided by statute and bylaw bear to \$1,000. The total accrued liability of the special fund to the date of calculation shall be the sum of the accrued liability of the special fund as regards to each active member.

Sec. 3. *This act is effective July 1, 1977.*"

Delete the title and insert:

"A bill for an act relating to retirement; proportionate vesting of volunteer firemen's relief association service pen-

sions; amending Minnesota Statutes 1976, Sections 69.06; and 69.772, Subdivision 2."

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

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

S. F. No. 787: A bill for an act relating to commerce; providing for licensing and regulation of tree experts; providing a penalty.

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

Strike everything after the enacting clause and insert:

"Section 1. [POLICY.] The legislature finds that diseases affecting elm and oak trees in the state have created a crisis requiring prompt and effective action by the state, its political subdivisions and private landowners. Based upon current scientific knowledge, certain disease preventive measures including the removal of diseased trees appear to have beneficial effect in delaying the spread of shade tree diseases. In order to insure that preventive measures are properly implemented and that competent, qualified persons are available to provide these services, the legislature intends by this act to initiate a process which may lead to the licensing or certifying of tree disease specialists and tree removal specialists.

Sec. 2. [TREE SPECIALISTS.] For purposes of this act, a tree disease specialist shall be any person who for profit diagnoses the condition of shade or ornamental trees and recommends, supervises or performs treatment on the trees by feeding, fertilizing, pruning, trimming, bracing, treating cavities or other treating methods or protects or attempts to protect any of the trees from damage by insects or disease by spraying or any other method. A tree removal specialist shall be any person who for profit engages in removal of disease trees and diseased tree stumps. Tree specialists, for purposes of this act, shall not be deemed to include:

(a) The federal government, the state of Minnesota, any county, municipality or other political subdivision of this state, or any employee or agent of any of the above in their capacity as an agent or employee;

(b) Any person with reference to trees on his own property; or

(c) Any public utility when engaged in tree trimming or tree removal in the course of providing utility service to the public.

Sec. 3. [DUTIES OF COMMISSIONER OF AGRICULTURE.] No later than January 1, 1978, the commissioner of agriculture shall report to the appropriate standing committees of the legislature on matters relating to the regulation of tree disease specialists and tree removal specialists. The report of the commis-

sioner shall comment on, but not be limited to, the following matters:

(a) whether the regulation of tree specialists is necessary for the safety and welfare of citizens of the state;

(b) the existence of past abuses which the regulation of tree specialists would inhibit;

(c) alternative measures, short of regulation, which would inhibit these past abuses;

(d) the estimated costs to consumers, tree specialists and governmental units if regulation were to be imposed;

(e) the experience of other jurisdictions in regulating tree specialists;

(f) the desirable form and content of a regulatory program, including the appropriate regulatory agency, if regulation is determined to be necessary;

(g) minimum educational and experience requirements for tree specialists, if regulation were to be imposed;

(h) effective enforcement mechanisms for a regulatory program; and

(i) other related issues.

Sec. 4. [PROCEDURES.] In preparing his report, the commissioner shall consult with practitioners in the field of tree disease treatment and removal, educational institutions, and other governmental agencies having jurisdiction in the field. As part of his report, if the commissioner determines that regulation is necessary, he shall propose to the legislature draft rules covering matters in section 3, clauses (f), (g) and (h) and other appropriate matters. The draft rules shall be published in accordance with section 15.0412, subdivision 4, but the rules shall not be adopted by the commissioner. The commissioner shall seek opinions from the public in the manner prescribed in section 15.0412, subdivision 6, but the report shall not be adopted as a rule. In performing his duties under this act, the commissioner shall recognize and accommodate, to the extent possible, the policies and procedures relating to occupational licensing as set forth in chapter 214.

Sec. 5. [EFFECTIVE DATE.] This act is effective the day following final enactment and shall expire June 30, 1978."

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

"A bill for an act relating to shade tree disease; providing for a study by the commissioner of agriculture of the need for regulation of tree disease and removal specialists; requiring a report to the legislature."

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. 1166: A bill for an act relating to administrative procedures; providing for water resource and conservation hearings to be held in accordance with the administrative procedure act; amending Minnesota Statutes 1976, Sections 105.44, Subdivisions 3, 5, 6, 7 and 8; 105.45; 105.461; and 105.78; repealing Minnesota Statutes 1976, Section 105.47.

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

Page 1, lines 13 to 16, strike the new language

Page 2, line 2, strike "The" and insert "Any"

Page 2, line 2, after "hearing" insert "pursuant to this section"

Page 2, line 3, after the period insert "If the commissioner elects to waive a hearing, and"

Page 2, line 26, strike "chapter 15" and insert "section 15.0418"

Page 2, line 26, after "the" insert "chief"

Page 3, line 6, reinstate the stricken "Except where a"

Page 3, lines 7 and 8, reinstate the stricken language, and before the reinstated colon, insert: "*if after the hearing the commissioner's action, taken pursuant to subdivision 2, is affirmed without material modification*"

Page 3, lines 9 to 11, reinstate the stricken language

Page 3, line 11, after "commissioner" insert "; however, in no event shall the applicant pay more than \$750"

Page 3, lines 14 to 24, reinstate the stricken language and delete the new

Page 3, line 25, reinstate the stricken language

Page 3, line 27, after "the" insert "chief"

Page 4, line 16, strike "reasonably may require" and insert "requires reasonable"

Page 6, line 15, strike "its" and insert "the"

Page 6, line 15, after "receipt" insert "of an order to restore public waters or beds"

Page 6, lines 15 to 16, strike "an order to restore public waters or beds" and insert "the order"

Page 6, strike lines 18 to 32

Page 7, strike lines 1 to 18

Renumber the remaining section

Page 7, after line 20, insert:

"Sec. 9. *This act is effective the day following final enactment.*"

Amend the title as follows:



Page 1, line 7, after "105.45;" insert "and"

Page 1, line 7, strike "and 105.78;"

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

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

S. F. No. 399: A bill for an act relating to gambling; authorizing certain activities by nonprofit organizations; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; and 609.75, Subdivision 3, and by adding a subdivision.

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 325.54, Subdivision 1, is amended to read:

325.54 [GAMBLING DEVICE; POSSESSION OF.] Subdivision 1. [INTENTIONAL POSSESSION; WILFUL KEEPING.] The intentional possession or wilful keeping of a gambling device upon any licensed premises is cause for the revocation of any license under which the licensed business is carried on upon the premises where the gambling device is found, *provided that possession of gambling devices commonly known as "paddlewheels" or "tipboards" or apparatus used in conducting raffles on the premises of a nonprofit organization and operated by organizations licensed for such operation pursuant to section 3 of this act shall not be cause for revocation of a license.*

Sec. 2. Minnesota Statutes 1976, Section 340.14, Subdivision 2, is amended to read:

Subd. 2. [RESTRICTIONS.] Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or indirectly under its control to be used as a resort for prostitutes or other disorderly persons, *except that gambling devices may be kept or operated and raffles conducted on licensed premises and adjoining rooms when such activities are licensed by the local unit of government pursuant to section 3 of this act.* No person under 18 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail "on-sale", except that persons under 18 years of age may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant or hotel or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale".

Sec. 3. Minnesota Statutes 1976, Chapter 349, is amended by adding a section to read:

[349.26] [GAMBLING DEVICES.] Subdivision 1. For purposes of this section "gambling devices" means those gambling devices known as "paddlewheels" and "tipboards" and apparatus used in conducting raffles.

Subd. 1a. For purposes of this section a "paddlewheel" means a wheel marked off into sections containing one or more numbers, and which, after being turned or spun, uses a pointer or marker to indicate winning chances.

For purposes of this section a "tipboard" means a board, placard or other device measuring at least 12 inches square, marked off in a grid or similar pattern, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances.

For purposes of this section a "raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing.

Nothing in this section shall be construed to authorize any use or operation of:

(a) any gambling device which is activated by the insertion of a coin or token or

(b) any gambling game or device in which the winning numbers, tickets or chances are in any way determined by the outcome of any athletic contest or sporting event.

Subd. 2. For purposes of this section "profit" shall mean the gross receipts from the operation of gambling devices and the conduct of raffles; less reasonable sums expended for prizes, local licensing fees and taxes and maintenance costs for the devices.

Subd. 3. Any county or city may establish a system for the licensing of organizations to operate gambling devices and to conduct raffles, and the system may include a fee for each license in an amount to be determined by the local governing body. Licenses issued pursuant to this section shall be valid for one year, and may be suspended or revoked for any violation of this section. A local governing body shall act on a license application within 180 days from the date of application, but shall not issue a license until at least 30 days after the date of the application. Nothing in this section shall be construed to prohibit a county or city from adopting rules or ordinances for the operation of gambling devices or the conduct of raffles that are more restrictive than state law, including rules or ordinances prohibiting the operation of such devices.

Subd. 4. Licenses shall be issued only to a fraternal, religious, veterans or other non-profit organization covered by section 290.05, subdivision 1, clauses (i) and (k) which has been in existence for at least three years and has at least 30 active members, as defined in section 349.12, subdivision 2.

*Subd. 5. Profits from the operation of gambling devices or the conduct of raffles shall be used solely for those purposes defined as "lawful purposes" in section 349.12, subdivision 6, as authorized at a regular meeting of the organization.*

*Subd. 6. All operation of gambling devices and the conduct of raffles shall be under the supervision of a single gambling manager designated by the organization, who shall be responsible for gross receipts and profits from gambling devices and raffles and for their operation. The gambling manager shall give a fidelity bond in the sum of \$10,000 in favor of the organization conditioned on the faithful performance of his duties, and the bond and the waiver thereof shall be subject to the same provisions as those applying to the bond required of a bingo manager pursuant to section 349.17, subdivision 7. A person may act as both gambling manager and bingo manager for a single organization, but a gambling manager for a single organization shall not act as either a gambling manager or bingo manager for any other organization. A gambling manager for an organization shall be an active member of the organization, as defined in section 349.12, subdivision 2.*

*Subd. 7. No compensation shall be paid to any person in connection with the operation of a gambling device or the conduct of a raffle by a licensed organization. No person who is not an active member of an organization, or its auxiliary, or the spouse or surviving spouse of an active member may participate in the organization's operation of a gambling device or conduct of a raffle.*

*Subd. 8. Each organization licensed to operate gambling devices shall keep records of its gross receipts and profits for each single gathering or occasion at which gambling devices are operated or a raffle is conducted. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records. The distribution of profits shall be itemized as to payee, amount and date of payment.*

*Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the organization, including bingo gross receipts, and placed in a separate account. Each organization shall have separate records of its gambling operations. The person who accounts for gross receipts and profits from the operation of gambling devices or the conduct of raffles shall not be the same person who accounts for other revenues of the organization, except that such person may be the same person who accounts for bingo gross receipts and profits.*

*Each organization licensed to operate gambling devices or to conduct raffles shall report monthly to its membership, and to the licensing local unit of government, its gross receipts and profits from gambling devices or raffles, and the distribution of profits itemized as required in this subdivision.*

*Records required by this act shall be preserved for three years, and organizations shall make available their records relating to operation of gambling devices and the conduct of raffles for public inspection at reasonable times and places.*

*Subd. 9. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases except that tickets for raffles conducted in accordance with this section may be sold off such premises. Leases unless authorized at another location by the local unit of government shall be for a period of not less than one year, and shall be in writing. No such lease shall provide that rental payments be based on a percentage of receipts or profits from gambling devices or raffles. Copies of all such leases shall be provided to the licensing local unit of government.*

*Subd. 10. Total prizes from the operation of paddlewheels and tipboards awarded in any single day in which they are operated shall not exceed \$500. Total prizes resulting from any single spin of a paddlewheel, or from any single tipboard, shall not exceed \$100. Total prizes awarded in any calendar year by any organization from the operation of paddlewheels and tipboards and the conduct of raffles shall not exceed \$15,000. Merchandise prizes shall be valued at fair market retail value.*

*Subd. 11. Violation of any provision of this section is a misdemeanor. This subdivision shall not preclude civil or criminal action under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of this section.*

Sec. 4. Minnesota Statutes 1976, Section 609.75, Subdivision 3, is amended to read:

Subd. 3. [WHAT ARE NOT BETS.] The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(3) Offers of purses, prizes or premiums to the actual contestants in a bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.

(4) The game of bingo when conducted in compliance with sections 349.11 to 349.23.

(5) A private social bet not part of or incidental to organized, commercialized, or systematic gambling.

(6) *The operation of a gambling device or the conduct of a raffle as defined in section 3, subdivision 1a, by an organization licensed for such operation by a local unit of government.*

Sec. 5. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.761] [OPERATION PERMITTED.] *Notwithstanding sections 609.755 and 609.76, a fraternal, religious, veterans or other nonprofit organization may set up or operate a gambling device*

*or conduct a raffle as defined in section 3, subdivision 1a, if licensed by the local unit of government pursuant to section 3 of this act, and a person may manufacture, sell or offer for sale a gambling device to the organization."*

Amend the title as follows:

Page 1, line 2, after "authorizing" insert "the operation of"

Page 1, line 3, strike "activities by nonprofit" and insert "gambling devices by licensed"

Page 1, line 3, after the semicolon insert "providing a penalty;"

Page 1, line 5, after the semicolon strike "and" and insert "340.14, Subdivision 2;"

Page 1, line 5, strike ", and by" and insert "; Chapter 349, by adding a section; and Chapter 609, by adding a section."

Page 1, strike line 6

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. 311: A bill for an act relating to courts; providing for the organization, compensation, personnel, terms and procedures of the several courts; appropriating money; amending Minnesota Statutes 1976, Sections 2.722; 2.724; 15A.083; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.54; 485.01; 487.01, Subdivisions 3, 5, and 6; 487.03, Subdivision 1; 488A.01, Subdivision 10; 488A.12, Subdivision 5; 525.04; and 525.081, Subdivision 7; and Chapter 480, by adding a section; repealing Minnesota Statutes 1976, Sections 15A.083, Subdivision 2; 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.34; 487.03, Subdivision 4; 487.05; 488A.021, Subdivisions 7 and 8; 488A.19, Subdivisions 8, 9, and 10; and 525.081, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 9; Chapters 488, 530, 531, 532 and 633; and Extra Session Laws 1971, Chapter 42.

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 2.724, is amended to read:

2.724 [CHIEF JUSTICE OF SUPREME COURT, DUTIES.] Subdivision 1. When public convenience and necessity require it, the chief justice of the supreme court may assign any judge of ~~the district~~ any court to serve and discharge the duties of judge of any other ~~district~~ court in a judicial district not his own at such times as the chief justice may determine. No judge shall be

*assigned to serve on a court in a judicial district not his own unless he consents to the assignment. A judge assigned to serve on a court in a judicial district not his own shall be subject to the assignment powers of the chief judge of the court to which the judge is assigned.*

Subd. 2. To promote and secure more efficient administration of justice, the chief justice of the supreme court of the state shall supervise and coordinate the work of the district courts of the state. The supreme court may provide by rule that the chief justice not be required to write opinions as a member of the supreme court. Its rules may further provide for it to hear and consider cases in divisions, and it may by rule assign temporarily any retired justice of the supreme court or one district judge at a time to act as a justice of the supreme court. Upon the assignment of a district judge to act as a justice of the supreme court a district judge previously acting as a justice may continue to so act to complete his duties. Any number of justices may disqualify themselves from hearing and considering a case, in which event the supreme court may assign temporarily a retired justice of the supreme court or a district judge to hear and consider the case in place of each disqualified justice. At any time that a retired justice is acting as a justice of the supreme court under this section, he shall receive, in addition to his retirement pay, such further sum, to be paid out of the general fund of the state, as shall afford him the same salary as an associate justice of the supreme court.

Subd. 3. When public convenience and necessity require it, the chief justice of the supreme court may assign any municipal judge of the state to serve and discharge the duties of a municipal judge in any other municipality not his own, at such times as the chief justice may determine. Any municipality, so served by a municipal judge other than its own shall pay such judge all sums for travel, meals, lodging and communications necessarily paid or incurred by him as a result of such assignment together with the per diem payment specified for a special judge of a municipal court by section 489.22, subdivision 1.

Subd. 4 3. The chief justice of the supreme court may assign a retired justice of the supreme court to act as a justice of the supreme court pursuant to subdivision 2 or as a judge of any other court. The chief justice may assign a retired judge of the district court to act as a judge of the district court in any judicial district or any other court except the supreme court. The chief justice may assign any other retired judge to act as a judge of any court whose jurisdiction is not greater than the jurisdiction of the court from which he retired *except the supreme court*. Unless otherwise provided by law, A judge acting pursuant to this subdivision shall receive pay and expenses in the amount and manner provided by law for actively serving retired district judges serving on the court to which the retired judge is assigned, less the amount of retirement pay which the judge is receiving. A judge acting pursuant to this subdivision or any other law providing for the service of retired judges shall be paid only his expenses for service performed while still receiving the full pay of the office from which he retired.

*Subd. 4. The chief justice shall exercise general supervisory powers over the courts in the state. His powers shall include, but not be limited to:*

*(a) Supervision of the courts' financial affairs, programs of continuing education for judicial and nonjudicial personnel and planning and operations research;*

*(b) Serving as chief representative of the court system and as liaison with other governmental agencies for the public; and*

*(c) Supervising the administrative operations of the courts. The chief justice may designate other justices or judges to assist him in the performance of his duties.*

Sec. 2. Minnesota Statutes 1976, Section 260.021, Subdivision 2, is amended to read:

Subd. 2. [JUVENILE COURT; RAMSEY COUNTY.] In Ramsey county the judges of the district court shall, at such times as they shall determine, designate one of their number to hear all cases arising under sections 260.011 to 260.301. This designation is for a period of one year unless otherwise ordered and shall not exceed two years. No judge shall be designated as the judge of juvenile court for more than one such period during a single term of office. If the designated judge is absent or disabled, another judge shall be temporarily assigned for these purposes. The judge designated as the judge of juvenile court shall devote his first service and all necessary time to the business of the juvenile court, and this work has precedence over all his other court work. When considered advisable, the district court judges may designate two or more judges for the purposes and subject to the provisions specified in this section. A special court room, designated as the juvenile court room, shall be provided for the hearing of these cases. The court, for convenience, may be called the juvenile court of the county.

Sec. 3. Minnesota Statutes 1976, Section 260.021, Subdivision 3, is amended to read:

Subd. 3. [JUVENILE COURT; HENNEPIN COUNTY.] In Hennepin county, the juvenile court judge has the title "District Court Judge, Juvenile Court Division"; and if appointed, shall be so designated. At the primary or general election, the office shall be designated on the ballot as "District Court Judge, Juvenile Court Division". One of the judges of the district court shall be so designated by the chief judge of the district court of Hennepin county, or in such other manner as the district judges may determine, for a term of up to two years. In no event shall a judge serve as judge of the juvenile court division for more than two years during a single term of office. The judge of the juvenile court division has charge of the juvenile court in Hennepin county, and shall hear and determine all matters brought before the juvenile court, and shall perform all other duties of the judge of juvenile court under the laws of the state. The performance of these duties takes precedence over all other work. In case of

the absence, sickness, or other disability, or workload of the judge which prevents him from performing his duties, the chief judge of the district court of Hennepin county may designate or assign one or more of the other judges of the district court to perform the duties of the judge of the juvenile court division. Vacancies in this office shall be filled in the manner provided by law for the filling of vacancies in the office of other judges of the district court. The judge of the juvenile court division may be designated in writing by the governor to the regular or ordinary duties of a judge of the district court without this designation effecting the term of office to which he was elected.

Sec. 4. Minnesota Statutes 1976, Section 480.15, is amended by adding subdivisions to read:

*Subd. 10a. The court administrator shall prepare uniform standards and procedures for the recruitment, evaluation, promotion, in-service training and discipline of all personnel in the court system other than judges, judicial officers, court reporters and court services officers.*

*Subd. 10b. The court administrator shall promulgate and administer uniform requirements for court budget and information systems, the compilation of statistical information, and the collection, storage and use of court records.*

Sec. 5. Minnesota Statutes 1976, Section 480.17, is amended to read:

480.17 [JUDGES; CLERKS; OTHER OFFICERS; TO COMPLY WITH REQUESTS OF THE COURT ADMINISTRATOR AND DISTRICT ADMINISTRATORS.] The judges and clerks of the courts and all other officers, state and local, shall comply with all requests made by the court administrator after approval by the chief justice, for information and statistical data bearing on the state of the dockets of such courts and such other information as may reflect the business transacted by them and the expenditure of public moneys for the maintenance and operation of the judicial system.

*Every clerk of court shall also comply with requests for statistical or other information made by the district administrator of the judicial district in which the clerk serves.*

Sec. 6. Minnesota Statutes 1976, Section 480.18, is amended to read:

480.18 [CONFERENCE OF JUDGES; JUDGE'S EXPENSES.] ~~At least once each year the supreme court of this state may provide by rule or special order for the holding in this state of an annual chief justice shall call a conference of the judges of the courts of record of this state, and of members of the respective judiciary committees of the legislature, and of invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system, and the administration of justice. Each judge attending such the annual judicial conference shall be entitled to be reimbursed for his necessary~~



expenses to be paid from state appropriations made for the purposes of sections 480.13 to 480.20.

Sec. 7. Minnesota Statutes 1976, Chapter 480, is amended by adding a section to read:

[480.22] *The supreme court may designate the location of chambers for judges of all courts in the state.*

Sec. 8. Minnesota Statutes 1976, Section 484.08, is amended to read:

484.08 [DISTRICT COURTS TO BE OPEN AT ALL TIMES.] The district courts of the state shall be deemed open at all times, except on legal holidays and Sundays ; for the transaction of such business as may be presented, including the issuance of writs and processes, the hearing of matters of law in pending actions and proceedings, and the entry of judgments and decrees therein; and, in addition to the general terms appointed by law to be held, which may be adjourned from time to time, the judge of the district court, or one thereof in districts of more than one judge, may by order filed with the clerk, convene the court in actual session during the vacation period on a date named in the order, for the trial of both civil actions involving public interest and criminal actions, whenever in his judgment public interests will thereby be promoted. When so convened, the court may, by order entered in the minutes by the clerk, direct the issuance of special venires for grand and petit juries, returnable on a named date, for the performance of such duties as may be submitted by the court in the usual course of procedure. Civil actions involving public interests may be noticed for trial at an adjourned sitting of such term occurring more than eight days after the date of calling same, and informations by the county attorney charging the commission of crimes within the county may, as authorized by law, be presented at such terms, and any such information then presented and filed and all indictments then returned by the special grand jury shall be proceeded with by the court in all respects in harmony with the law applicable to other cases and other terms of the court. The judge of the district court may also, by order filed with the clerk, appoint special terms in any county of the district for the hearing of matters of law *The terms of the district courts shall be continuous .*

Sec. 9. Minnesota Statutes 1976, Section 484.34, is amended to read:

484.34 [CHIEF JUDGE; ASSIGNMENTS.] Subdivision 1. In all districts the judges shall meet annually and elect one of their number to be presiding judge, who shall be designated as the chief judge thereof and who shall preside at all meetings of the judges of such district. In the event of a tie vote the judge who is senior in service shall be the chief judge. He shall attend all meetings of the presiding judges of the state which may be called by the chief justice pursuant to section 2.724, subdivision 2, and generally shall be responsible for the coordinating of the business of the court in such district. The business of the court may be

divided between the judges, and otherwise regulated as they by rule or order shall direct. Each may try court or jury causes separately during the same term and at the same time, or two or more of them may sit together in the trial of any cause or matter before the court. If there be a division of opinion, that of the majority shall prevail. If the division be equal, that of the presiding judge, or, if he be not sitting, that of the judge senior in age, shall prevail. In districts composed of more than one county, the presiding judge, at least 30 days before the time appointed by law for holding of a general term of the court in each county, by order filed in the office of the clerk of the court in that county, shall designate and assign one or more of the judges of such district to preside at the term so appointed, and the clerk forthwith shall mail a copy of such order to each judge of the district. If any judge assigned to hold a term of court, as herein provided, is incapacitated by illness or otherwise to preside at such term, another judge shall be designated and assigned in like manner to take his place. The same judge shall not be designated or assigned to hold two consecutive general terms in the same county unless the presiding judge or the judges of the district by order or rule otherwise direct. In each judicial district, the judges of district court shall elect a chief judge from among their number. The chief judge shall be subject to the approval of the supreme court, and may be removed for cause by the chief justice of the supreme court or by the judges of district court in the judicial district in which he serves. The chief judge shall be elected for a term of not more than two years. The seniority of district judges and rotation of the position of chief judge shall not be criteria for the election of the chief judge of district court.

*Subd. 2. In each judicial district, the chief judge of the district court shall, subject to the authority of the chief justice of the supreme court, exercise general administrative authority over the district court. The chief judge shall make assignments of the judges of district court within the judicial district, and the assignments may be made without the consent of the judges affected thereby. The chief judge of the district court may also, in consultation with the chief judge of the county court of the judicial district, make assignments of a county court judge to hear district court matters and of a district judge to hear county court matters. Upon application by the chief judge of the district court to the supreme court, the supreme court may assign a county court judge to hear district court matters and a district court judge to hear county court matters. No judge of the district court shall be assigned to hear county court matters unless he consents to the assignment. When a judge of any court is assigned to any other court he is hereby vested with the powers of the judge of the court to which he is assigned.*

*Subd. 3. The chief judge of district court shall meet as necessary with the chief judge of county court of the judicial district to consider problems of judicial business and administration.*

*Subd. 4. The chief judges of each judicial district shall convene as necessary a conference of all judges in the judicial district to consider administrative matters and rules of court.*

Subd. 2 5. For purposes of applying this section only, the judicial districts as established in section 2.722, shall be used from and after July 1, 1957.

Sec. 10. Minnesota Statutes 1976, Section 484.54, is amended to read:

484.54 [EXPENSES OF JUDGES.] The judges of the district court shall be paid, in addition to the amounts now provided by law, all sums they shall hereafter pay out while absent from their places of residence in the discharge of their official duties ; ~~except that a judge shall not be paid such travel expenses for travel from his place of residence to and from his permanent chambers .~~

Judges shall be compensated for travel expenses in the same manner and amount as state employees. Additionally, judges of the district court shall be reimbursed for all sums, not reimbursed by counties, they shall necessarily hereafter pay out for only the following purposes: telephone tolls, postage, expressage, stationery, including printed letterheads and envelopes for official business; membership dues in the American bar association and affiliated sections, the state bar association and affiliated local district associations, and state and local district judges association; and registration fees, tuition, travel and subsistence for attending educational programs, attendance at which is approved by the supreme court ; and, for delegates as designated by the supreme court, travel and subsistence for attending regular meetings of the American bar association and its affiliated sections. Travel and subsistence expenses shall be paid in the same manner and amount as for state employees . Each judge claiming reimbursement for allowable expenses may file with the supreme court monthly and shall file not later than 90 days after the expenses are incurred, an itemized statement, verified by the judge, of all allowable expenses actually paid by him. All statements shall be audited by the supreme court and, if approved by the supreme court, shall be paid by the commissioner of finance from appropriations for this purpose. *Expenses will be paid pursuant to this section only if reasonable and prudent in amount.*

Sec. 11. Minnesota Statutes 1976, Section 484.63, is amended to read:

484.63 [APPEAL.] *Subdivision 1.* Any person convicted of a petty misdemeanor or a violation of a municipal ordinance punishable by a fine only may appeal from the conviction to the district court upon questions of law only. Any person convicted of a violation of a municipal ordinance for which a sentence of imprisonment is authorized may appeal to the district court in the same manner and with the same effect as provided by chapter 623, except that the appellant shall not have the right to a jury trial unless he was convicted of the violation of a municipal ordinance, charter provision, rule or regulation for which a sentence to imprisonment is authorized and he was not tried by jury in the municipal court. *An aggrieved party may*

*appeal to the district court from a determination of a county court or a county municipal court as provided in section 487.39. The appeal shall be heard by a panel of three judges of the district court in the district in which the action was first adjudicated. The judges shall be assigned by the chief judge of the district court. Upon request by the chief judge of the district court the supreme court may temporarily assign a judge from another district to serve on an appellate panel.*

*Subd. 2. The chief judge of the district court may schedule appellate terms for the hearing of appeals from lower courts. He shall give three weeks' written notice of every appellate term to the clerks of the district court in the counties in which the appeals arose.*

*Subd. 3. Pleading, practice, procedure and forms in appellate actions shall be governed by rules of procedure adopted by the supreme court for appeal from county to district court. On appeal to the district court briefs shall be acceptable if reproduced from a typewritten page by any means which produces a clear black on white copy.*

Sec. 12. Minnesota Statutes 1976, Section 484.65, Subdivision 1, is amended to read:

484.65 [FAMILY COURT DIVISION; FOURTH JUDICIAL DISTRICT.] Subdivision 1. In the fourth judicial district, a family court division of the district court is hereby created to be presided over by a district court judge *appointed by the chief judge of the district court to serve for a term not exceeding two years*. The judge appointed ~~or elected to said this~~ office shall be designated as the district court judge, family court division. ~~Said district court judge shall be elected or appointed in the manner as provided for the election or appointment of other district court judges, except that he shall be designated district court judge, family court division; and at the primary or general election the office shall be so designated on the ballot. No judge may be appointed to serve consecutive terms as the district court judge, family court division.~~

Sec. 13. Minnesota Statutes 1976, Section 484.65, Subdivision 6, is amended to read:

*Subd. 6. Vacancies in the office of district court judge, family court division, shall be filled in the manner prescribed by law for the filling of vacancies in the office of other judges of the district court. A person appointed to fill a vacancy in the office of district court judge, family court division shall serve in that office for the unexpired portion of the term during which the vacancy occurred, but may not be appointed to serve as district court judge, family division during the next consecutive term.*

Sec. 14. Minnesota Statutes 1976, Section 484.66, is amended to read:

484.66. [DISTRICT ADMINISTRATOR; FOURTH JUDICIAL DISTRICT.] Subdivision 1. In the county of Hennepin, the dis-

district court administrator shall assume the statutory duties of the clerk of district court.

Subd. 2. The duties, functions and responsibilities which have been heretofore and which may be hereafter required by statute or law to be performed by the clerk of district court shall be performed by the district court administrator, ~~whose office is who shall be appointed by the district court judges of the fourth judicial district pursuant to section 15.~~

The district court administrator, subject to the approval of a majority of the judges of the district court, ~~and a majority of the judges of the county municipal court in the fourth judicial district,~~ shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes as are deemed necessary for this purpose. Such reorganization, reallocation or delegation, or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute or law to be performed by the clerk of district court.

Sec. 15. Minnesota Statutes 1976, Chapter 484, is amended by adding a section to read:

[484.67] [DISTRICT ADMINISTRATOR.] *Subdivision 1. [APPOINTMENT.] By January 1, 1979, the chief judge of the district court and the chief judge of the county court or county municipal court in each judicial district shall appoint a district administrator, subject to the approval of a majority of the judges of the district court, and a majority of the judges of the county court or county municipal court in the judicial district.*

*If the judges of a judicial district are unable to agree on a person to serve as district administrator, the supreme court shall on its own initiative appoint a district administrator. The district administrator shall serve at the pleasure of a majority of the judges of district court and a majority of the judges of county court or county municipal court of the judicial district.*

Subd. 2. [STAFF.] *The district administrator shall have such deputies, assistants and staff as the judges of the judicial district deem necessary to perform the duties of the office.*

Subd. 3. [DUTIES.] *The district administrator shall:*

(a) *Assist the chief judges in the performance of their administrative duties;*

(b) *Manage the administrative affairs of the courts of the judicial districts;*

(c) *Supervise the clerks of court and other support personnel, except court reporters, who serve in the courts of the judicial district;*

(d) *Comply with the requests of the court state administrator for statistical or other information relating to the courts of the judicial district; and*

*(e) Perform any additional duties that are assigned to him by law or by the rules of the court.*

*Subd. 4. The district administrator shall serve as secretary for meetings of the judges of the judicial district.*

*Subd. 5. The salary and office budget of the district administrator shall be set by the chief judges of the judicial district and apportioned among the counties of the district.*

Sec. 16. Minnesota Statutes 1976, Section 485.01, is amended to read:

485.01 [APPOINTMENT; BOND; DUTIES.] There shall be elected in each county A clerk of the district court, who, for each county within the judicial district shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the county board chief judge of district court, in a penal sum of not less than \$1,000 \$25,000 nor more than \$10,000 \$250,000 conditioned for the faithful discharge of his official duties. In the second judicial district the amount of such bond shall be \$10,000 and in the fourth judicial district the amount of such bond shall be \$25,000, which The bond, with his oath of office, shall be filed for record with the county recorder. Such The clerk shall perform all duties assigned him by law and by the rules of the court. He shall not practice as an attorney in the court of which he is the clerk.

Sec. 17. Minnesota Statutes 1976, Section 485.018, is amended by adding a subdivision to read:

*Subd. 2a. Upon certification by the court administrator of the supreme court that the clerk of district court has failed to perform any of the duties assigned to him by law or by rule of court, the county board shall withhold the salary of the clerk, and shall not pay the salary until receipt of notice from the court administrator that the clerk has performed the duties assigned to him by law or by rule of court.*

*Nothing in this subdivision shall be construed to prohibit the judges of the district court from removing a clerk of district court from office.*

Sec. 18. Minnesota Statutes 1976, Section 487.01, Subdivision 1, is amended to read:

487.01 [PROBATE AND COUNTY COURTS; PROVISIONS.] Subdivision 1. A probate court, which shall be a court of record having a seal, and, except in the counties of Hennepin and Ramsey shall also be a county court, is established in each county. The court shall be open for the transaction of business at the county seat at all reasonable hours. Hearings may be had at such times and places in the county as the court may deem advisable. The necessary and reasonable traveling expenses of judges, judicial officers, referees, reporters, clerks, and em-

employees in attending hearings in places other than the county seat incident to their duties shall be paid by the county. The county courts of the state shall be in continuous session and shall be deemed open at all times, except on legal holidays and Sundays.

Sec. 19. Minnesota Statutes 1976, Section 487.01, Subdivision 3, is amended to read:

Subd. 3. The following probate and county court districts are established: Kittson, Roseau and Lake of the Woods; Marshall, Red Lake and Pennington; Norman, Clearwater and Mahnomen; Cass and Hubbard; Wadena and Todd; Mille Lacs and Kanabec; Wilkin, Big Stone and Traverse; Swift and Stevens; Pope, Grant and Douglas; Lac qui Parle, Yellow Medicine and Chippewa; Lincoln and Lyon; Murray and Pipestone; Jackson and Cottonwood; Rock and Nobles; Dodge and Olmsted; Lake and Cook; Aitkin and Carlton; Sibley, Meeker and McLeod; Martin, Watenwan and Faribault; Houston and Fillmore; Nicollet and Le Sueur; Winona and Wabasha; Pine, Isanti and Chisago; Sherburne, Benton and Stearns.

A combined county court district may be separated into single county courts by the concurrence of the county boards of the respective counties affected supreme court. Vacancies in the office of judge created by such a separation shall be filled in the manner herein provided for the selection of other county court judges.

The single county court districts so created by such separation shall each be entitled to one judge, subject to the provisions of subdivision 5, clause (5), provided, however, that if the number of judges of the combined county court district exceeds the number of counties, then, upon separation into single county court districts, the county having the largest population determined by the last United States census shall be entitled to two judges and in the event there are more judges than counties remaining, the county having the next largest population determined by the last United States census shall also be entitled to two judges.

In each other county except Hennepin and Ramsey, the probate court of the single county is also the county court of the county and shall be governed by the provisions of sections 487.01 to 487.39.

Sec. 20. Minnesota Statutes 1976, Section 487.01, Subdivision 5, is amended to read:

Subd. 5. Each county court district shall elect one county court judge except:

(1) The district consisting of St. Louis county shall elect six judges; two of the county court judges shall reside and serve in and be elected at large by the voters of St. Louis county; two of the county court judges shall reside and serve in and be elected by the voters in that part of St. Louis county south of the following described line: South of the south line of township 55; the area to

be known as the south district; one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northwest district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and west of the west line of range 18 and excluding that part of Portage township west of the west line of range 18; and one county court judge shall reside and serve in and be elected by the voters of an area to be known as the northeast district, which area lies within the following described lines in St. Louis county: North of the south line of township 55 and east of the west line of range 18 and including that part of Portage township west of the west line of range 18.

(2) The district consisting of Dakota county, the district consisting of Anoka county and the district consisting of Stearns, Sherburne and Benton shall each elect five judges;

(3) ~~The district consisting of Olmsted and Dodge counties, the district consisting of Winona and Wabasha counties and the district consisting of Washington county following districts~~ shall each elect three judges :

*Olmsted and Dodge counties,*

*Washington county,*

*Blue Earth county,*

*Pine, Isanti and Chisago counties;*

(4) ~~The district consisting of Blue Earth county, the district consisting of Clay county, the district consisting of Sibley, Meeker and McLeod counties, the district consisting of Martin, Watonwan and Faribault counties and the district consisting of Pine, Chisago and Isanti counties following districts~~ shall each elect two county court judges :

*Clay county,*

*Carver county,*

*Cass and Hubbard counties,*

*Crow Wing county,*

*Douglas and Grant counties,*

*Freeborn county,*

*Marshall county,*

*Red Lake and Pennington counties,*

*Mower county,*

*Otter Tail county,*

*Rice county,*

*Scott county,*

*Winona county,*



*Wright county,*

*Kandiyohi county.*

(5) The number of judges to be elected may be increased by the county board of the affected county or by the concurrence of the county boards of those affected counties combined into districts.

Sec. 21. Minnesota Statutes 1976, Section 487.01, Subdivision 6, is amended to read:

Subd. 6. For the more effective administration of justice, *the supreme court may combine* two or more county court districts *may combine their respective county court districts* into a single county court district by concurrence of the county boards of the *respective counties affected*. If districts are combined, the office of a judge may be terminated at the expiration of his term and he shall be eligible for retirement compensation under the provisions of section 487.06.

Sec. 22. Minnesota Statutes 1976, Section 487.02, Subdivision 1, is amended to read:

487.02 [PAYMENT OF EXPENSES.] Subdivision 1. The salary and traveling expenses of a judge of the county court shall be paid by the county in which the expenses were incurred ~~from the general revenue fund of the county~~. If the district consists of more than one county, the county of the judge's residence shall pay the judge and shall be reimbursed each month by the other counties of the district by apportioning the salary and expenses according to the respective population of the counties as determined by the last United States census state in the amount prescribed by section 15A.083. Expenses shall be paid in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 23. Minnesota Statutes 1976, Chapter 487, is amended by adding a section to read:

[487.031] [CHIEF JUDGE; ASSIGNMENTS.] Subdivision 1. In each judicial district, the judges of county court or county municipal court shall elect a chief judge from among their number. The chief judge shall be subject to the approval of the supreme court, and may be removed for cause by the chief justice of the supreme court or by the judges of the county court or county municipal court in the judicial district in which he serves. The chief judge shall be elected for a term of not more than two years. The seniority of county court or county municipal judges and rotation of the position of chief judge shall not be criteria for the election of the chief judge of the county court or county municipal court.

Subd. 2. In each judicial district, the chief judge of the county court or county municipal court shall, subject to the authority of the chief justice of the supreme court, exercise general administrative authority over the county court or county municipal court. The chief judge shall make assignments of the judges of

*the county court within the judicial district, and the assignments may be made without the consent of the judges affected thereby. The chief judge of the county court or county municipal court may also, in consultation with the chief judge of the district court of the judicial district, make assignments of a county court judge to hear district court matters and of a district judge to hear county court matters. Upon application by the chief judge of the county court or county municipal court to the supreme court, the supreme court may assign a county court judge to hear district court matters and a district court judge to hear county court matters. No judge of the district court shall be assigned to hear county court matters unless he consents to the assignment. When any judge of any court is assigned to any other court he is hereby vested with the powers of the judge of the court to which he is assigned.*

*Subd. 3. The chief judge of county court or county municipal court shall meet as necessary with the chief judge of district court of the judicial district to consider problems of judicial business and administration.*

Sec. 24. Minnesota Statutes 1976, Section 487.08, is amended to read:

487.08 [JUDICIAL OFFICERS.] When the judicial business of a county court requires, the *chief judge of the county court* may appoint one or more full or part time judicial officers who shall be learned in the law and whose salary shall be fixed by the county court, with the approval of the county board or boards of the counties of the district, and paid by the ~~county court~~ *counties*. They shall serve at the pleasure of the county court. They shall hear and try such matters as shall be assigned to them by the ~~county court~~ *county court* chief judge. Before entering upon the duties of office each judicial officer shall take and subscribe an oath, in the form provided by law for judicial officers, and a certified copy of the oath shall be filed in the office of each of the county auditors within the county court district.

Sec. 25. Minnesota Statutes 1976, Section 487.25, Subdivision 6, is amended to read:

Subd. 6. [TRIALS BY JURY; ORDINANCES.] ~~In a trial upon a charge of a violation of any municipal ordinance, charter provision, rule or regulation, the defendant shall have a right to a trial by jury. In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.~~

Sec. 26. Minnesota Statutes 1976, Section 487.35, Subdivision 1, is amended to read:

487.35 [JUSTICES OF THE PEACE.] Subdivision 1. [ABOLISHED.] ~~On the date Laws 1971, Chapter 951 becomes effective in a county court district the office of justice of the peace is abolished within every municipality in which the county court holds regular sessions or establishes an ordinance and traffic violations bureau. For purposes of this subdivision, the~~

term municipality includes any township, part of which is within the boundaries of an affected municipality.

Sec. 27. Minnesota Statutes 1976, Section 487.39, is amended to read:

487.39 [APPEALS.] Subdivision 1. An aggrieved party may appeal to ~~a the district court judge~~ from a determination of a county court or a county municipal court . The provisions of this section govern all appeals from the county court ~~and the county municipal court~~ ; appeal provisions of all other statutes are inapplicable except as stated in ~~subdivision 3 Minnesota Statutes, Section 484.63 .~~

(a) Except as provided in clause (b), the appeal in a civil case shall be taken by filing written notice thereof with the clerk of court of the county in which the action was heard not more than 30 days after written notice of the court's determination has been served upon the aggrieved party or his attorney, or in any event within three months after the determination in a civil case.

(b) In the appeal of petty misdemeanor, ordinance or criminal cases the written notice of appeal shall be filed with the clerk of court of the county in which the action was heard within ten days of the conviction or other determination, and sentencing thereon, appealed from.

(c) A written notice of appeal shall be served by the appellant upon all parties to the original proceedings or their attorneys not more than five days after filing a written notice of appeal and proof of such service shall be filed with the clerk of county court or county municipal court in the county in which the action was heard not more than three days after the service of such notice on the opposite party or his attorney. The appeal shall be heard and determined by a district court judge ~~appellate panel pursuant to section 484.63 .~~

Subd. 2. The appeal shall be confined to the typewritten record. By stipulation of all parties, the record may be shortened. The district court judge shall, upon request, hear oral argument and receive written briefs. The district court judge may affirm, reverse or modify the judgment or order appeal from, or take any other action as the interests of justice may require. On appeal from an order, the district court judge may review any order affecting the order from which the appeal is taken and an appeal from a judgment may review any order involving the merits or affecting the judgment. The supreme court shall formulate rules of appellate procedure applicable to a district court judge panel hearing appeals from a county court or county municipal court . Until otherwise provided, the rules of appellate procedure applicable to appeals to the supreme court shall apply to ~~a the district court judge~~ hearing appeals from a county court or a county municipal court , except as provided in this section. An appeal may be taken from the determination of a district court judge to the supreme court with leave of the supreme court.

Subd. 3. Notwithstanding the provisions of subdivisions 1 and

2; an appeal from a determination of the county court in a case in which the presiding judge or judicial officer was not learned in the law shall be to the district court under the provisions of law now governing appeals from probate court and the case shall be heard de novo.

Sec. 28. Minnesota Statutes 1976, Section 488.20, is amended to read:

488.20 [APPEALS TO DISTRICT COURT.] Appeals may be taken to the district court of the county from the judgments of municipal courts in the same cases, upon the same procedure, and with the same effect as provided by law respecting appeals from justice courts; and all laws relating to such last named appeals shall be adopted and applied to appeals from the municipal county courts. The time for appeal shall not start to run until the judgment has been perfected, the costs taxed, and notice of entry of judgment served upon the adverse party. On appeal to district court the appellant shall not be entitled to a trial by jury if trial by jury was held in municipal court but shall be confined to the typewritten record. Appeals from a conviction of a petty misdemeanor or an ordinance violation punishable by a fine only shall be upon questions of law only.

Sec. 29. Minnesota Statutes 1976, Section 488A.01, Subdivision 10, is amended to read:

Subd. 10. [CONTINUOUS TERMS.] The court shall be open every day, except Sundays and legal holidays. The court shall hold a general term for the trial of civil actions commencing on the first Monday following Labor Day of each year and continuing until the next general term, with such adjournments as the judges may determine to be necessary and proper. The term of the court shall be continuous.

Sec. 30. Minnesota Statutes 1976, Section 488A.01, is amended by adding a subdivision to read:

Subd. 14. [APPEALS.] Appeals from the county municipal court to the district court shall be subject to the provisions of Minnesota Statutes, Sections 484.63 and 487.39.

Sec. 31. Minnesota Statutes 1976, Section 488A.021, Subdivision 8, is amended to read:

Subd. 8. [SALARIES.] Each judge shall be paid by the state an annual salary of \$22,000 in biweekly installments out of the treasury of the county of Hennepin in the amount prescribed by section 15A.083. If a judge dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54.

Sec. 32. Minnesota Statutes 1976, Section 488A.10, Subdivision 1, is amended to read:

488A.10 [PLEADING, PRACTICE, PROCEDURE, AND

FORMS IN CRIMINAL PROCEEDINGS.] Subdivision 1. [GENERAL.] Save as otherwise provided in this act *chapter*, pleading, practice, procedure and forms in actions or proceedings charging violation of a criminal law or a municipal ordinance, charter provision, rule or regulation are governed by the statutes and common law rules which govern in a similar action or proceeding in the district court of Hennepin county (other than those applying peculiarly to felony or gross misdemeanor charges) or by statutes which govern in *county courts of justices of the peace in chapter 487* in the absence of statutes or common law rules governing in said district court.

Sec. 33. Minnesota Statutes 1976, Section 488A.10, Subdivision 6, is amended to read:

Subd. 6. [TRIALS BY JUDGE WITHOUT JURY.] A charge of a violation of any petty misdemeanor law of this state or municipal ordinance, charter provision, rule or regulation, shall be heard, tried and determined by a judge without a jury, and the defendant shall have no right to a jury trial on such a charge, except as required by section 160.03 or otherwise required by law. In the event of such trial without jury, there shall be a right of appeal as provided in section 488.20 *In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.*

Sec. 34. Minnesota Statutes 1976, Section 488A.111, is amended to read:

488A.111 [PAYMENT OF COURT EXPENSES.] All salaries of the judges of the municipal court of the county of Hennepin, court reporters, the clerk, deputy clerks and all other employees of said *the municipal court of Hennepin county court*, and all expenses of said *the court* shall be paid from the treasury of Hennepin county. The board of county commissioners of Hennepin county is authorized to levy taxes annually against each dollar of taxable property within the county as may be necessary for the establishment, operation and maintenance of the court.

Sec. 35. Minnesota Statutes 1976, Section 488A.12, Subdivision 5, is amended to read:

Subd. 5. [CONTINUOUS TERM.] The judges shall hold terms of court from time to time as necessary *continuously* to hear and dispose of all claims as promptly as feasible after filing.

Sec. 36. Minnesota Statutes 1976, Section 488A.18, Subdivision 11, is amended to read:

Subd. 11. [TERMS.] The court shall be open every day, in *continuous session and deemed open at all times except Saturdays, Sundays and legal holidays. The court shall hold a general term for the trial of civil actions with such adjournments as the judges may determine to be necessary and proper.*

Sec. 37. Minnesota Statutes 1976, Section 488A.18, is amended by adding a subdivision to read:

*Subd. 14. [APPEALS.] Appeals from the county municipal court to the district court shall be subject to the provision of Minnesota Statutes, Sections 484.63 and 487.39.*

Sec. 38. Minnesota Statutes 1976, Section 488A.19, Subdivision 10, is amended to read:

*Subd. 10. [SALARIES.] Each judge shall be paid by the state an annual salary of \$29,000 in biweekly installments out of the treasury of the county of Ramsey in the amount prescribed by section 15A.083. If a judge dies, the amount of his salary remaining unpaid for the month in which his death occurs shall be paid to his estate. Each judge shall be paid expenses in the same manner and amount as provided for judges of the district court in section 484.54.*

Sec. 39. Minnesota Statutes 1976, Section 488A.27, Subdivision 1, is amended to read:

**488A.27 [PLEADING, PRACTICE, PROCEDURE, AND FORMS IN CRIMINAL PROCEEDINGS.]** Subdivision 1. **[GENERAL.]** Save as otherwise provided in this act chapter , pleading, practice, procedure and forms in actions or proceedings charging violation of a statute, ordinance, charter provision, rule or regulation shall be governed by the statutes and common law rules which govern in a similar action or proceeding in the district court (other than those applying peculiarly to felony or gross misdemeanor charges) or by statutes which govern in county courts of justices of the peace in chapter 487 in the absence of statutes or common law rules governing in district court.

Sec. 40. Minnesota Statutes 1976, Section 488A.27, Subdivision 6, is amended to read:

**Subd. 6. [TRIALS BY JUDGE WITHOUT JURY.]** A charge of a violation of any petty misdemeanor law of this state, municipal ordinance, charter provision, rule or regulation, other than a violation dealing with driving while under the influence of an alcoholic beverage or narcotic drug, speeding that is a third or further offense occurring in one year, or careless or reckless driving where a personal injury is involved, shall be heard, tried and determined by a judge without a jury and the defendant shall have no right to a jury trial on such a charge, except as required by section 1C9.03, or as otherwise required by law. In the event of such trial without jury, there shall be a right of appeal as provided in section 488.20, and provided further that where there has been a conviction in a trial without jury as provided above, the commissioner of transportation shall not by reason thereof revoke or suspend the defendant's driver's license. In any prosecution brought in a county court or a county municipal court in which conviction of the defendant for the offense charged could result in imprisonment, the defendant has the right to a jury trial.

Sec. 41. Minnesota Statutes 1976, Section 488A.281, is amended to read:

488A.281 [PAYMENT OF COURT EXPENSES.] All salaries of the judges of the municipal court of the county of Ramsey, court reporters, the court administrator, and all other employees of said the municipal court of Ramsey county court, and all expenses of said the court shall be paid from the treasury of Ramsey county in biweekly installments. The board of county commissioners of Ramsey county is authorized to levy taxes annually against each dollar of taxable property within the county as may be necessary for the establishment, operation and maintenance of the court. ~~Such~~ The tax is not subject to any limitation on taxing power contained in any other law or charter provision and is in addition to any other tax levied by ~~such that~~ body.

Sec. 42. Minnesota Statutes 1976, Section 488A.29, Subdivision 5, is amended to read:

Subd. 5. [TERMS OF COURT.] The judges shall hold terms of court from ~~time to time as necessary~~ continuously to hear and dispose of all claims as promptly as feasible after filing.

Sec. 43. Minnesota Statutes 1976, Section 525.081, Subdivision 7, is amended to read:

Subd. 7. No judge of the probate court in any county having a population of 25,000 or more, shall practice as an attorney or counselor at law, nor shall he be a partner of any practicing attorney in the business of his profession, nor shall he serve as an appraiser in any estate proceeding.

Sec. 44. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall remove all references to justices of the peace.

Sec. 45. [REPEALER.] Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; and Chapters 530; 531; 532; and 633 are repealed.

Sec. 46. [EFFECTIVE DATE.] Subdivision 1. This act shall be effective July 1, 1977.

Subd. 2. On the effective date of this act, a person elected to the office of district court judge, juvenile court division, pursuant to Minnesota Statutes 1976, Section 260.021, Subdivision 3, shall no longer be designated as the district court judge, juvenile court division; but he shall serve as a district court judge for the term of office for which he was elected, and shall be assigned the regular or ordinary duties of a judge of district court.

Subd. 3. On the effective date of this act, a person elected to the office of district court judge, family court division, pursuant to Minnesota Statutes 1976, Section 484.65, Subdivision 1, shall no longer be designated as the district court judge, family court division, but he shall serve as a district court judge for the term of

*office for which he was elected, and shall be assigned the regular or ordinary duties of a judge of district court."*

Further, amend the title as follows:

Page 1, strike lines 2 to 20 and insert:

"relating to courts; providing for the selection of chief judges; permitting the assignment of judges to serve in other judicial districts; prescribing duties of the chief justice; providing for the rotation of the duties of family court in Hennepin county; providing for the rotation of the duties of juvenile court in Hennepin and Ramsey counties; prescribing duties of the supreme court administrator; providing continuous terms of court; providing for the payment of judges' salaries and expenses; abolishing de novo jurisdiction of district courts when hearing appeals; creating the office of district administrator; abolishing the office of justice of the peace; providing for appellate panels in district court; amending Minnesota Statutes 1976, Sections 2.724; 260.021, Subdivisions 2 and 3; 480.15, by adding subdivisions; 480.17; 480.18; 484.08; 484.34; 484.54; 484.63; 484.65, Subdivisions 1 and 6; 484.66; 485.01; 485.018, by adding a subdivision; 487.01, Subdivisions 1, 3, 5 and 6; 487.02, Subdivision 1; 487.08; 487.25, Subdivision 6; 487.35, Subdivision 1; 487.39; 488.20; 488A.01, Subdivision 10 and by adding a subdivision; 488A.021, Subdivision 8; 488A.10, Subdivisions 1 and 6; 488.111; 488A.12, Subdivision 5; 488A.18, Subdivision 11 and by adding a subdivision; 488A.19, Subdivision 10; 488A.27, Subdivisions 1 and 6; 488A.281; 488A.29, Subdivision 5; and 525.081, Subdivision 7; Chapters 480, by adding a section; 484, by adding a section; and 487, by adding a section; repealing Minnesota Statutes 1976, Sections 484.05; 484.09; 484.10; 484.11; 484.12; 484.13; 484.14; 484.15; 484.16; 484.17; 484.18; 484.28; 484.29; 484.47; 485.02; 487.03, Subdivision 4; 487.10, Subdivision 6; 487.35, Subdivisions 2, 3, 4, 5 and 6; 487.39, Subdivision 3; 487.41; 488A.01, Subdivision 11; 488A.021, Subdivision 7; 488A.18, Subdivision 12; 488A.19, Subdivisions 8 and 9; and Chapters 530; 531; 532; and 633."

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

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

S. F. No. 361: A bill for an act relating to education; handicapped pupils; providing instruction for certain nonresident pupils; requiring certain costs to be paid by district of residence; amending Minnesota Statutes 1976, Section 120.17, Subdivision 1a.

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

Strike everything after the enacting clause and insert:

"Section 1. [122.84] [POLICY.] It is the policy of the state to encourage the organization of school districts into local units of administration that will afford better educational opportunities



for all pupils, make possible a more economical and efficient operation of the schools and insure a more equitable distribution of public school revenue.

Sec. 2. [122.85] [DISSOLUTION OF DISTRICTS.] Except as provided in section 6, subdivision 3 of this act, any school district which on October 1, 1977, has an enrollment of fewer than 300 secondary school pupils shall be dissolved on July 1, 1981. As used in this section, secondary school pupils shall mean pupils in grades 7 to 12.

Sec. 3. [122.86] [REGIONAL SCHOOL ORGANIZATION PLANNING COMMISSIONS.] Subdivision 1. [CREATION.] In order to provide for comprehensive and coherent planning for the reorganization of districts dissolved or divided pursuant to sections 1 to 8 of this act, 13 regional school organization planning commissions are created. Geographic boundaries for these commissions shall coincide with those identified in governor's executive orders 8, dated September 1, 1971, and 59, dated May 29, 1973, issued pursuant to sections 462.381 to 462.397.

Subd. 2. [SCHOOL DISTRICT MEMBERSHIP.] The geographic location of the central administrative office of a school district on July 1, 1977, shall determine the membership of the total school district in a particular commission's planning area. A school district which desires to be placed in a different commission's area shall petition the commissioner of education prior to August 15, 1977, setting forth its request and presenting facts to support this placement. The commissioner shall render a decision to the petitioning district within 45 days, and this decision shall be final.

Subd. 3. [COMMISSION MEMBERSHIP.] Each commission shall consist of two school board members from each school district within its geographic boundaries. Each school board shall be responsible for selecting its own representatives. These appointments shall be made no later than August 15, 1977, and the commissioner of education shall be notified of these appointments no later than September 1, 1977. In the event a transfer petition is granted pursuant to subdivision 2, the representatives of that district shall be transferred to the other commission by the commissioner. Members of these commissions shall hold their offices from the dates of their selection until June 30, 1979. Vacancies on the commissions shall be filled by the respective school boards in the same manner as the original appointments.

Subd. 4. [ORGANIZATION.] The commissioner of education or his designee shall call the first meeting of each commission at a time designated by him prior to September 30, 1977. At this meeting each commission shall elect from its membership a chairman and such other officers as it may deem necessary, and conduct any other necessary organizational business.

Subd. 5. [EXPENSES.] Members of these commissions shall receive expenses in the same manner and amount as state employees upon application to the commissioner of education.

Sec. 4. [122.87] [POWERS AND DUTIES.] Subdivision 1. Each regional school organization planning commission shall examine each school district within its geographic boundaries to determine whether that district has an enrollment of fewer than 300 secondary school students on October 1, 1977.

Subd. 2. In the event that a commission determines that one or more school districts within its area does not have 300 enrolled secondary school students on October 1, 1977, it shall recommend a plan for the reorganization of the districts within its area. The plan may include a reorganization of any of the districts within the area.

Subd. 3. In the development of its plans for the districts within its area, each commission shall confer with school authorities and interested residents within the area, hold such public hearings as may be necessary, and furnish to school board members and the public necessary information concerning its recommendations.

Subd. 4. Commissions may meet jointly to discuss reorganization plans which will cross commission area boundaries. Recommendations of such plans shall be presented to the state board jointly by these commissions.

Sec. 5. [122.88] [REPORTS.] Subdivision 1. Each regional school organization planning commission shall report to the state board of education prior to January 1, 1979.

Subd. 2. Each commission shall consider the following factors in examining the school districts within its area and in preparing its report:

(a) Three, five and ten year enrollment projections for each school district in its area;

(b) An analysis of educational programs and services in each school district;

(c) An analysis of current cooperative efforts involving one or more school districts within the area;

(d) An analysis of the financial status and ability of the school districts to support minimum educational programs;

(e) An analysis of the use and condition of school buildings in the districts;

(f) An analysis of the most efficient and effective organization of services for students within the area;

(g) A determination of which services, including administrative, instructional, and supporting, may be most efficiently and effectively offered through cooperation or reorganization;

(h) A determination of the relative costs of cooperation and reorganization;

(i) A determination of the impact of population sparsity on reorganization where reorganization or cooperation is not

economically and geographically feasible. If it is the recommendation of the commission that a district which would otherwise be dissolved under the provisions of section 2 be exempted from that section, the report shall specify in detail the reasons why that particular exemption would be justified.

Subd. 3. The report shall include all territory of school districts to be attached to or consolidated with other districts. The county auditor of each county containing a district affected by this report shall submit to the state board of education a plat showing the size and boundaries of the areas proposed for attachment or consolidation, the boundaries of the proposed consolidated district, the location of school buildings in the area and shall submit other pertinent information required by the state board of education, on forms provided by the board. A true copy of the plat together with a statement containing any other pertinent information the auditor determines to be helpful to the state board shall be filed with the auditor of each county in which is situated any part of an affected district, and with the clerk of the district to which is proposed the attachment of or consolidation with all or any part of the territory of the district dissolved.

Subd. 4. The report shall also include a proposal for the division of the assets and liabilities of any district proposed to be dissolved or divided by the commission.

Subd. 5. The commissions shall have access to such information and technical advice and services from the regional development commissions, educational cooperative service units, county auditors, the state agencies and officials, and other governmental agencies as necessary to fulfill their purposes.

Sec. 6. [122.89] [STATE BOARD OF EDUCATION.] Subdivision 1. Prior to July 1, 1979, the state board of education shall adopt, reject or modify the reports of each regional school organization planning commission. The state board shall thereafter, pursuant to the provisions of Minnesota Statutes, Chapter 15, adopt a state school organization plan which shall be effective on July 1, 1981. All school districts in the state shall be bound by the provisions of this plan as adopted.

Subd. 2. In the event a report is not submitted by a commission, the state school organization plan shall provide for any necessary divisions or consolidations of districts within the boundaries of that commission's area.

Subd. 3. Notwithstanding the provisions of section 2 of this act, the state board may exempt any school district from the provisions of sections 1 to 8 of this act if, in the determination of the board, the dissolution or division of the district would work an undue hardship upon the district to which the territory is to be attached or consolidated because of the greatly increased distances which pupils would have to be transported.

Subd. 4. Upon final approval of the state plan by the state board, the commissioner shall present the adopted plats to the

county auditors of the counties containing the affected school districts.

Subd. 5. Appeals of any provisions of the state school organization plan as finally adopted by the state board and of any orders issued by the state board pursuant to section 7 of this act shall be conducted pursuant to the provisions of sections 15.0424 to 15.0426.

Sec. 7. [122.90] [DISTRIBUTION AND DIVISION OF ASSETS AND LIABILITIES; TAXATION.] Subdivision 1. Title to all the property, real and personal, of any district dissolved or divided under the provisions of the plan adopted by the state board, and all legally valid and enforceable claims and contract obligations, pass to the new district. If a district is divided by virtue of the proceedings, the state board shall issue its subsequent order providing for the division of the assets and liabilities according to such terms as it may deem just and equitable.

Subd. 2. After June 30, 1981, all the taxable property of any dissolved district or territory attached to or consolidated with another district is taxable for the payment of all bonded indebtedness, debt service, capital loans, state loans, school construction loans, and judgments previously incurred by the previous district in the proportion which the assessed valuation of that part of the previous district which is included in the newly enlarged district bears to the entire previous district at the time of the attachment or consolidation. This apportionment shall be made by the county auditor and shall be incorporated as an annex to the order of the state board dividing the assets and liabilities of the component parts. As of July 1, 1981, all the taxable property of the newly enlarged district is taxable for the payment of all obligations incurred by the newly enlarged district on or subsequent to that date.

Sec. 8. [122.91] [OFFICERS; EMPLOYEES; TRANSITIONAL PROVISIONS.] The 1979 session of the legislature shall deal with the questions of terms and elections of school board members and of the employment of personnel serving in districts dissolved or divided by the provisions of sections 1 to 8 of this act.

Sec. 9. [122.92] Nothing in sections 1 to 8 of this act shall be construed to mandate the closing of any elementary school building or the shifting of any elementary school attendance area. The legislature encourages school boards of newly enlarged districts to maintain elementary attendance areas existing prior to attachment or consolidation.

Sec. 10. [APPROPRIATION.] The sum of \$700,000 is appropriated from the general fund to the department of education to be available until June 30, 1979, to pay expenses of regional school reorganization planning commission members as provided in section 3 of this act.

Sec. 11. [EFFECTIVE DATE.] This act shall be effective the day following final enactment."

Further, amend the title by striking it and inserting:

"A bill for an act relating to education; reorganizing school districts; providing for a July 1, 1981 dissolution date for school districts with fewer than 300 secondary school pupils on October 1, 1977; requiring transitional planning by regional school organization planning commissions; granting certain powers and duties relating to school district organization to the commissioner and the state board of education; appropriating money."

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 re-referred

S. F. No. 1201: A bill for an act relating to water resources; creating a water planning board; prescribing its duties; regulating the appropriation and use of water; establishing emergency restrictions on the use of state waters for irrigation and other purposes; establishing procedures for the processing of irrigation permits; requiring municipal water supply authorities to conserve water during shortages; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1, 1a and by adding a subdivision; 105.415; 105.44, Subdivisions 1, 2, 3, 4, 5, 6, 8, and 10; 105.462; 105.482, Subdivisions 3 and 5; and Chapter 105, by adding a section.

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

Page 2, line 2, strike "*designate*" and insert "*appoint*"

Page 2, line 2, strike "*who*" and insert "*with the advice and consent of the senate to serve at the pleasure of the governor for a four year term coterminous with the term of the governor. The chairperson*"

Page 2, line 5, after the period insert "*The chairperson shall be compensated as provided for a board member pursuant to section 15.0575. The board shall supersede and replace the Minnesota water resources council created by executive order of the governor.*"

Page 2, line 10, after "1976" insert "*, if so requested by the commission*"

Page 2, line 16, strike "*(PL89-80)*" and insert "*, Public Law 89-80*"

Page 2, line 17, strike "*and*"

Page 2, line 21, after "*involvement*" insert "*;*

(5) *Evaluate and recommend improvements in state laws, rules and procedures in order to reduce overlap, duplication or conflicting jurisdictions among the many state and interstate agencies having jurisdiction in the area of public water resource management and regulation; and*

(6) *Coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area*"

Page 4, line 22, strike "*, provided that when a*"

Page 4, strike lines 23 to 28

Page 4, line 29, strike "*completion of the well*"

Page 6, line 9, reinstate "*a watershed district*" and after "*district*" insert "*or*"

Page 6, line 12, reinstate the stricken language and after "*district*" insert "*and*"

Page 6, line 25, reinstate "*a watershed district*" and before "*a*" insert "*or*"

Page 6, line 27, reinstate the stricken language

Page 6, line 28, reinstate "*district*" and after the reinstated "*district*" insert "*and*"

Page 6, line 31, after "*The*" insert "*managers or*"

Page 7, line 9, reinstate "*the managers*"

Page 7, line 10, reinstate the stricken language and after "*district*" insert a comma

Page 7, line 21, after the comma insert "*the*" and reinstate the stricken language

Page 7, line 22, reinstate the stricken language

Page 8, line 17, after "*or*" insert "*the*" and reinstate "*watershed*" and after "*watershed*" insert "*district and the*"

Page 9, lines 1, 10 and 17, strike "*substantial*" and insert "*material*"

Page 14, after line 8, insert:

"Sec. 17. Minnesota Statutes 1976, Section 156A.07, Subdivision 4, is amended to read:

Subd. 4. All persons licensed under the provisions of sections 156A.01 to 156A.08 shall, within 30 days after completion of any well, submit a verified report to the Minnesota department of health upon forms provided by it containing the following information: (a) the name and address of the owner of such well and the actual location of such well; (b) a well log of the materials and water encountered in connection with drilling such well, together with all pumping tests relating thereto; (c) such other information as the board of health may require concerning the drilling of such well. The board of health shall send one copy of the report to the commissioner of natural resources, *the local soil and water conservation district within which the well is located*, and one copy to the director of the Minnesota geological survey within 30 days of receipt from the water well contractor. The department of health

may: (1) Establish procedures for coordinating well data collection with other state and local governmental agencies; and (2) Establish criteria and procedures for submission of well logs, formation samples or well cuttings, water samples or other special information which may be required for geologic and water resource mapping to protect, develop, and manage, for the public health and welfare and to assist in the development of a state water information system. The license of any person licensed under sections 156A.01 to 156A.08 may be suspended or revoked, as provided in section 156A.03, for violation of any of the provisions of this subdivision."

Page 17, line 24, strike "3" and insert "4"

Page 17, line 29, strike "4" and insert "5"

Page 18, line 9, strike "commissioner" and insert "governor"

Page 18, line 9, strike "commissioner's" and after "order" insert "of the governor"

Page 18, line 11, after "restrictions" insert "consistent with rules adopted by the commissioner of natural resources"

Page 18, line 15, after the period insert "*The commissioner may adopt emergency rules relating to matters covered by this section during the year 1977.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, after "5," insert "156A.07, Subdivision 4,"

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. 1039: A bill for an act relating to the city of Eveleth; firemen's pensions; amending Laws 1935, Chapter 208, Section 11, as added and amended.

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

Page 1, line 21, after "200," insert "*or Laws 1976, Chapter 78,*"

Page 1, line 21, after "act." insert "*The amount of any increase payable under section 1 of this act shall be paid retroactive to January 1, 1977. The retroactive increase payments shall be included with the first monthly payment after the effective date of this act.*"

Page 1, after line 21, insert:

"Sec. 2. [COVERAGE BY THE PUBLIC EMPLOYEES POLICE AND FIRE FUND.] *Notwithstanding any provisions of law to the contrary, as of the effective date of this act, all active em-*

ployees of the police department and the fire department of the city of Eveleth shall cease to be members of the Eveleth police relief association or the Eveleth firemen's relief association respectively, and shall cease to have any accrual of service credits, rights, or benefits from the respective relief associations. From and after the effective date of this act, all active members of the police and fire departments of the city of Eveleth shall be members of the public employees police and fire fund established pursuant to Minnesota Statutes, Section 353.63 to 353.68.

**Sec. 3. [PURCHASE OF PRIOR SERVICE IN THE PUBLIC EMPLOYEES POLICE AND FIRE FUND.]** Any active employee who has pension coverage transferred from the local relief association to the public employees police and fire fund pursuant to section 2 of this act shall be entitled to receive credit in the public employees police and fire fund for any or all periods of service as either a police officer employed by the Eveleth police department or a firefighter employed by the Eveleth fire department. Service credit in the public employees police and fire fund for each active employee who elects to purchase prior service credit shall be granted upon receipt of an amount equal to that percentage of the required reserves which the assets of the public employees police and fire fund bear to the accrued liability of the fund as determined by the most recent actuarial valuation submitted to the legislative commission on pensions and retirement pursuant to Minnesota Statutes, Chapter 356, for the period or periods of service which the employee elects to purchase as calculated by the actuary of the public employees police and fire fund and certified by the board of trustees of the public employees retirement association. The amount required to make the purchase of prior service credit under this section shall be made by the active employee and the city of Eveleth in a lump sum prior to July 1, 1979, and shall be apportioned between the active employee and the city of Eveleth as the active employee and the city shall agree.

**Sec. 4. [REFUND OF EMPLOYEE CONTRIBUTIONS.]** Any active employee who has pension coverage transferred from a local relief association to the public employees police and fire fund pursuant to section 2 of this act shall be entitled upon making written application prior to November 1, 1978 to a refund of the employee's accumulated contributions. Acceptance of the refund by the active employee shall terminate all rights which the active employee has to any benefits from the respective local association.

**Sec. 5. [TRUST FUND FOR RELIEF ASSOCIATION BENEFICIARIES.]** Notwithstanding any law to the contrary, effective January 1, 1978, the special funds of the Eveleth police relief association and the Eveleth firemen's relief association shall be transferred to the city of Eveleth. The city of Eveleth, on the same date, shall transfer an amount equal to \$123,600 to a special account established by the city which shall be maintained separately as a trust fund for the exclusive benefit of the retired members of the Eveleth police relief association and the Eveleth firemen's relief association who were receiving benefits on the effective date of this act and their surviving spouses if otherwise entitled to benefits



*under the laws governing the respective former relief associations. The trust fund shall be managed by a board of trustees composed of three members, with one member selected by the retired members of the former firemen's relief association, one member selected by the retired members of the former police relief association, and one member selected by the city council. The term of the board shall be indefinite and shall continue until a vacancy shall occur in one of the positions on the board. The city of Eveleth shall perform whatever services are necessary to administer the trust fund. The balance of the trust fund shall not revert to the city of Eveleth until all obligations of the trust fund are paid. The benefit provisions of the Eveleth police relief association and the Eveleth firemen's relief association which were in effect as of the effective date of this act shall continue in force to govern the respective benefits paid out of the trust fund.*

**Sec. 6. [FINANCIAL REQUIREMENTS OF THE TRUST FUND.]** *Commencing January 1, 1978, the city of Eveleth shall provide by annual levy an amount sufficient when added to the investment income of the trust fund to pay the benefits provided under the trust fund for the succeeding year as certified by the board of trustees of the trust fund. The annual levy under this section shall not be included in any limitation as to rate or amount set by charter and shall be a special levy for purposes of Minnesota Statutes, Section 275.50, Subdivision 5. All revenues generated by the levy required under this section shall be transferred to the trust fund.*

**Sec. 7. [FINANCIAL REQUIREMENTS FOR ACTIVE MEMBERS.]** *The city of Eveleth shall make the employer contribution to the public employees police and fire fund as specified in Minnesota Statutes, Sections 353.63 to 353.68. Notwithstanding any contrary provisions of Minnesota Statutes, Chapter 69, any fire state aid or police state aid received by Eveleth may be allocated by the city council between the financial requirements set forth in section 6 of this act and this section. Amounts allocated for use in meeting the financial requirements under section 6 of this act shall reduce the levy required pursuant to that section.*

**Sec. 8. [AUTHORITY TO BOND TO ACCOMPLISH THE PURPOSES OF THIS ACT.]** *The city of Eveleth is hereby authorized to sell bonds in such amounts as will provide the necessary funds to pay the employer's share of the purchase of prior service in the public employees police and fire fund pursuant to section 3 of this act. The maturity of such bonds shall not be more than 15 years from the date of sale. The bonds may be issued and sold without a vote of the electorate and shall not be included in the net debt of the city for purposes of any charter or statutory debt limitation. Taxes for the payment of the bonds and interest thereon shall not be subject to any statutory or charter limitation on the rate or the amount.*

**Sec. 9. [TWO HARBORS FIREMEN'S PENSIONS; VALIDATION OF PREVIOUS PAYMENTS.]** *All retroactive payments of service pension increases granted to retired members from the special fund of the Two Harbors volunteer firemen's*

*relief association made prior to April 1, 1977, in accordance with the bylaws of the association are hereby deemed authorized."*

Page 1, line 22, after "effective" insert "*with respect to the city of Eveleth*"

Page 2, line 1, after "council" insert "*and with respect to the city of Two Harbors upon approval by the governing body of the city of Two Harbors*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "the city of Eveleth" and insert "retirement"

Page 1, line 3, after "pensions" insert "*in the cities of Eveleth and Two Harbors; consolidation of the police and firemen's relief associations in the city of Eveleth into the public employees police and fire fund*"

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

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 803: A bill for an act relating to energy conservation; appropriating money to the university of Minnesota for the purpose of research into developing an alcohol supplement that can be blended with gasoline.

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

Strike everything after the enacting clause and insert:

"Section 1. The University of Minnesota, the departments of agricultural engineering, and agricultural and applied economics shall carry out a research and demonstration project to study the feasibility of developing an agriculturally derived ethyl alcohol supplement to be blended with diesel fuel so as to produce a liquid fit for use as a fuel in diesel engines used for agricultural purposes. In carrying out the project, the departments shall utilize to the fullest extent possible studies, data and reports of public agencies, private organizations and corporations, research institutes and other institutions of higher education. Before the project begins it shall be presented to the energy agency for review and comment.

An interim report shall be provided by September 1, 1979, to the energy agency and the Minnesota department of agriculture for review and comment. The university shall then provide the legislature with a final report and recommendations by January 1, 1979.

The project report shall include, but is not limited to, results from field studies or demonstration projects, and a review of the technical feasibility, possible energy impacts, biomass options,

economic feasibility, agricultural sources and policy recommendations. A review of the relevant literature and a glossary shall also be included.

Sec. 2. The sum of \$50,000 is appropriated from the general fund to the University of Minnesota for the purpose of section 1. This appropriation shall not lapse but shall be available for expenditure until January 1, 1979.

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

Further, amend the title to read:

"A bill for an act relating to energy research; appropriating money to the University of Minnesota for research into an ethyl alcohol supplement to be blended with diesel fuel."

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. 1361: A bill for an act relating to health; providing state grants to finance health related research activities; directing the state health coordinating council to establish a health research subcommittee; providing for its powers and duties; appropriating money.

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

Page 1, line 15, before "U.S.C." insert "42"

Page 1, line 17, strike "such" and insert "any"

Page 3, line 20, strike "POLICY" and insert "SERVICES"

Page 3, lines 23 and 27, strike "policy" and insert "services"

Page 4, line 7, strike "such" and insert "any"

Page 4, line 23, strike "policy" and insert "services"

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

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

S. F. No. 1089: A bill for an act relating to the university of Minnesota; providing for the establishment of a program for developmental disability; appropriating money.

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

Page 1, line 17, strike "developmental" and insert "developmentally"

Page 2, line 28, after "Sec. 2." insert "The sum of"

Page 2, line 28, after "\$525,216" insert "in each fiscal year"

Page 2, line 29, after "fund" insert "for the biennium ending June 30, 1979,"

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

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

S. F. No. 1415: A bill for an act relating to Independent School District 625; providing for the severance pay of employees.

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

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

S. F. No. 1000: A bill for an act relating to taxation; requiring indication on income tax return of school district in which taxpayer resides; amending Minnesota Statutes 1976, Section 290.39, Subdivision 1.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

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

S. F. No. 690: A bill for an act appropriating money for educational television facilities in northern Minnesota.

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

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

S. F. No. 542: A bill for an act relating to education; appropriating money to expand nursing education programs at Mankato state university.

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

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

S. F. No. 961: A bill for an act relating to education; state universities; handicapped students; waiving tuition for legally blind students; amending Minnesota Statutes 1976, Section 136.11, Subdivision 1.

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

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

S. F. No. 1168: A bill for an act relating to education; authorizing school boards to appoint a student advisory member.

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

Page 1, line 13, after "may" insert "be permitted to"

Page 1, line 14, before "be" insert "to"

Page 1, line 14, before "introduce" insert "to"

Page 1, line 15, before "participate" insert "to"

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

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

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

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

Page 2, strike lines 17 and 18 and insert:

"Sec. 2. This act is effective upon approval by a majority of the city council of the city of Springfield, and upon compliance with Minnesota Statutes, Section 645.021."

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

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

S. F. No. 947: A bill for an act relating to natural resources; directing the commissioner of natural resources to provide an alternative road access to General C. C. Andrews State Forest; appropriating money therefor.

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

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

H. F. Nos. 557 and 946 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.
946	612			557	20

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 was referred

H. F. No. 324 for comparison to its companion Senate File, reports the following House File was found not identical with its companion Senate File 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.
324	395				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 324 be amended as follows:

Page 1, line 23, delete the new language and reinstate the stricken language

Page 4, delete lines 16 to 19 and insert

*"rate of 15 cents per mile provided in section 43.327, notwithstanding any other provision to the contrary. When two or more witnesses subpoenaed in the same action live in the same general direction, mileage shall be charged only for the subpoenaing the most remote. When court is usually held at one or more"*

Page 5, after line 3, insert:

*"Sec. 5. Section 357.09 shall not relate to or affect the fees of the sheriff of Ramsey county."*

Further amend the title of H. F. No. 324 in line 2, after "sheriffs;" insert "increasing the"

And when so amended, H. F. No. 324 will be identical to S. F. No. 395 and further recommends that H. F. No. 324 be given its second reading and substituted for S. F. No. 395 and that the Senate File be indefinitely postponed.

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

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

S. F. No. 481: A bill for an act relating to education; pre-

viding for aids to education, tax levies, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, the commissioner of education, the state board of education, and the state board for vocational education; requiring a certificate of need for certain school district construction; providing a June 1 date for the discharge or termination of certain teachers; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 1a; 121.11, Subdivision 5; 121.902; 121.908, by adding a subdivision; 121.914, Subdivisions 1, 2, 3 and 4; 121.917, Subdivisions 1 and 2; 122.21, Subdivision 6; 123.335, Subdivision 2; 123.351, Subdivision 4; 123.39, Subdivision 5; 123.581, Subdivisions 1, 2, 3 and 6; 123.71, Subdivisions 1 and 2, and by adding a subdivision; 124.11; 124.14, Subdivision 1; 124.17, Subdivision 1, and by adding a subdivision; 124.19, Subdivision 1; 124.212, subdivisions 4, 6b, 7b, 8a and 11, and by adding subdivisions; 124.213; 124.222, Subdivisions 1a, 1b, 2a, 3 and 6; 124.223; 124.24; 124.26, Subdivision 4; 124.271, Subdivision 2; 124.32; 124.38, Subdivision 7; 124.562, Subdivision 1; 124.563, Subdivisions 1 and 3; 124.565, Subdivisions 1 and 3; 124.57; 124.572; 124.573; 124.611; 125.12, Subdivisions 3, 4 and 10; 125.17, Subdivision 3; 273.138, Subdivision 3; 275.124; 275.125, Subdivisions 2a, 4, 5, 8, 9, 9a, 12, 13 and by adding subdivisions; 475.61, Subdivision 4; Chapter 121, by adding a section; Chapter 124, by adding sections; Laws 1976, Chapter 271, Sections 94 and 98, Subdivision 3; and Laws 1973, Chapter 683, Section 26, Subdivision 17, as amended; repealing Minnesota Statutes 1976, Sections 123.40, Subdivision 7; 123.80, Subdivision 1; 124.04; 124.14, Subdivision 2; 124.19, Subdivision 2; 124.212, Subdivisions 3a and 19; 124.215, Subdivisions 2a, 3, 4, 5, 7 and 8; 124.221; 124.222, Subdivisions 4 and 5; 124.23; 124.25; 124.271, Subdivision 1; 124.30; 124.562, Subdivisions 5 and 6; 124.563, Subdivision 4; 124.565, Subdivisions 2 and 5; 124.57; 126.021; 126.022; 126.024; 273.138, Subdivision 7; 473.633; and 473.635.

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

Page 8, line 32, strike "29" and insert "28"

Page 9, strike lines 21 to 32

Page 10, strike lines 1 to 14

Page 10, line 15, strike the new language

Page 11, strike section 10

Page 11, strike section 11

Page 13, line 27, strike "29" and insert "28"

Page 14, line 3, strike "29" and insert "27"

Page 18, line 30, strike "\$574,600,000" and insert "\$591,160,000"

Page 19, line 1, strike "\$522,100,000" and insert "\$538,660,000"

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 22, after "7b" strike the comma and insert "and"

Page 1, line 22, strike "and 11"

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

#### SECOND READING OF SENATE BILLS

S. F. Nos. 1387, 1164, 3, 1103, 1023, 880, 1093, 1381, 1385, 111, 1331, 1298, 1039 and 1415 were read the second time.

S. F. Nos. 1113, 1116, 1140, 1112, 500, 1077, 397, 1183, 101, 767, 830, 626, 579, 1234, 713, 337, 603, 1203, 1029, 1300, 1269, 324, 1302, 888, 787, 1166, 399, 311, 1168, 1191, 947 and 1416 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. 489, 946, 557, and 324 were read the second time.

H. F. Nos. 598 and 326 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### MOTIONS AND RESOLUTIONS

Mr. Lessard moved that his name be stricken as co-author to S. F. No. 176. The motion prevailed.

Mr. Stumpf moved that the names of Messrs. Sieloff and McCutcheon be added as co-authors to S. F. No. 1415. The motion prevailed.

Mr. Vega moved that the name of Mr. Merriam be added as co-author to S. F. No. 662. The motion prevailed.

Mr. Menning moved that the names of Messrs. Willet and Olhoff be added as co-authors to S. F. No. 1402. The motion prevailed.

Mr. Menning moved that his name be stricken as co-author to S. F. No. 669. The motion prevailed.

Mr. Knutson moved that the names of Mrs. Brataas and Mr. Bernhagen be added as co-authors to S. F. No. 1167. The motion prevailed.

Mr. Penny moved that the name of Mr. Frederick be added as co-author to S. F. No. 1272. The motion prevailed.

Mr. Chenoweth moved that H. F. No. 542 be withdrawn from the Committee on Local Government and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 1384. The motion prevailed.



Mr. Tennesen moved that S. F. No. 1023 be stricken from the Consent Calendar and placed on General Orders. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up Senate Files on the General Orders Calendar. The motion prevailed.

### GENERAL ORDERS

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

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

S. F. Nos. 769, 569, 640, 417, 620, 388, 562, 348, 774, 586, 831, 916, 686, 102, 477, 499, 362, 766, 582, 682, 972, 600 and 804, which the committee recommends to pass.

S. F. No. 667, which the committee recommends to pass with the following amendments offered by Messrs. Spear and Tennesen:

Mr. Spear moved to amend S. F. No. 667 as follows:

Page 2, line 13, after "boundaries." insert "In no case shall the city council include the making of grants as a part of the program authorized by this act."

Mr. Tennesen moved to amend S. F. No. 667 as follows:

Page 3, line 15, after "exceed" insert "80 percent of"

Mr. Tennesen then moved to amend S. F. No. 667 as follows:

Page 4, line 4, strike everything after "475" and insert a period

Page 4, strike lines 5 and 6

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Lessard	Perpich	Tennesen
Bang	Frederick	Lewis	Renneke	Ueland, A.
Benedict	Hanson	Luther	Sieloff	Ulland, J.
Bernhagen	Keefe, J.	McCutcheon	Sikorski	Vega
Borden	Kirchner	Moe	Sillers	
Brataas	Laufenburger	Nelson	Solon	

Those who voted in the negative were:

Chmielewski	Johnson	Olhoft	Schmitz	Strand
Dieterich	Keefe, S.	Olson	Schrom	Stumpf
Gearty	Kleinbaum	Penny	Setzepfandt	Wegener
Gunderson	Knoll	Peterson	Spear	Willet
Hughes	Milton	Purfeerst	Staples	
Humphrey	Ogdahl	Schaaf	Stokowski	

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

Mr. Tennessen then moved to amend S. F. No. 667 as follows:

Page 4, line 1, strike "general obligation"

Page 4, line 2, strike "bonds or"

Page 4, line 2, after "obligations" insert "payable solely from revenues"

Page 4, strike lines 7 and 8

Page 4, line 19, strike "general obligation bonds or"

Page 4, line 20, after "obligations" insert "payable solely from revenues"

Amend the title as follows:

Page 1, line 5, strike "limited general"

Page 1, line 6, strike "obligation and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 30, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	McCutcheon	Renneke	Solon
Bernhagen	Keefe, J.	Nelson	Sieloff	Tennessen
Borden	Laufenburger	Olhoft	Sikorski	Ulland, J.
Brataas	Lessard	Perpich	Sillers	Vega
Davies				

Those who voted in the negative were:

Chmielewski	Humphrey	Menning	Purfeerst	Stokowski
Dieterich	Johnson	Milton	Schaaf	Strand
Dunn	Keefe, S.	Ogdahl	Schmitz	Stumpf
Frederick	Kleinbaum	Olson	Setzepfandt	Ueland, A.
Gearity	Knoll	Penny	Spear	Wegener
Hughes	Luther	Peterson	Staples	Willet

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

S. F. No. 265, which the committee recommends to pass with the following amendment offered by Mr. Laufenburger:

Page 1, line 10, strike everything after "Subdivision 1."

Page 1, strike lines 11 to 16 and insert "[LIABILITY OF POLITICAL SUBDIVISIONS.] Any political subdivision transporting or causing to be transported any sand, gravel or other road building materials over a town road shall restore that road or reimburse the town for restoration of that road to as good condition as it was prior to that transportation."

S. F. No. 23, which the committee recommends to pass with the following amendment offered by Mr. McCutcheon:

Page 1, line 16, after "injury" insert "suffered in the course of employment of that employer"

S. F. No. 208 which the committee reports progress, subject to the following motions:

Mr. Olhoft moved to amend S. F. No. 208 as follows:

Page 2, line 3, strike "Every new" and insert "If an"

Page 2, line 3, strike "containing" and insert "entered into after the effective date of this act contains"

Page 2, line 5, after "employer" insert ", the employer"

Page 2, line 5, strike "include" and insert ", at the time the agreement is made, provide"

Page 2, line 6, strike "provision notifying" and insert "written notification to"

The motion prevailed. So the amendment was adopted.

Mr. Olhoft then moved to amend S. F. No. 208 as follows:

Page 1, line 10, after "assign" insert "or offer to assign"

Page 1, line 11, after "invention" insert "for which no equipment, supplies, facility or trade secret information of the employer was used and which was developed entirely on the employee's own time, and (1)"

Page 1, line 12, strike "(1)" and insert "(a)"

Page 1, line 12, strike the comma

Page 1, line 12, strike "(2)" and insert "(b)"

Page 1, line 14, after ", or" insert "(2)"

Page 1, line 15, strike ", and for" and insert a period

Page 1, strike lines 16 and 17

Page 1, line 18, strike everything before "any"

Page 1, line 20, strike "shall" and insert "is"

Page 1, line 21, strike "be"

Page 2, line 4, after "assign" insert "or offer to assign"

Page 2, line 7, after "invention" insert "for which no equipment, supplies, facility or trade secret information of the employer was used and which was developed entirely on the employee's own time, and (1)"

Page 2, line 7, strike "(1)" and insert "(a)"

Page 2, line 8, strike the comma

Page 2, line 8, strike "(2)" and insert "(b)"

Page 2, line 10, after "or" insert "(2)"

Page 2, line 11, strike the first comma and everything thereafter and insert a period

Page 2, strike lines 12 to 14

The motion prevailed. So the amendment was adopted.

S. F. No. 208 was then progressed.

S. F. No. 649, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 4, line 14, before the comma insert "*and homesteaded*"

S. F. No. 389, which the committee recommends to pass with the following amendment offered by Mr. Sikorski:

Page 3, line 25, after the period insert "*In the case of a veteran who has died prior to the effective date of this act, the surviving spouse may apply for a reclassification of the property in accordance with the provisions of this act.*"

S. F. No. 737, which the committee recommends to pass with the following amendments offered by Messrs. Hughes, McCutcheon and Davies:

Mr. Hughes moved to amend S. F. No. 737 as follows:

Page 1, line 17, before "*city*" insert "*full time*"

Mr. Hughes then moved to amend S. F. No. 737 as follows:

Page 1, line 13, before "*officer*" insert "*appointed*"

Page 2, line 15, restore the stricken "*appointing*"

Page 2, lines 16 and 17, strike the new language

Mr. McCutcheon moved to amend S. F. No. 737 as follows:

Page 3, after line 3, insert:

"Sec. 3. Minnesota Statutes 1976, Section 3.088, Subdivision 3, is amended to read:

Subd. 3. [OFFICERS AND EMPLOYEES TO PRESERVE PENSION AND RETIREMENT RIGHTS.] Any public officer or employee receiving leave of absence under this section or who is elected as a state constitutional officer and having rights in any state, municipal, or other public pension, retirement, or relief system shall retain all the rights accrued up to the time of taking leave. The time spent by the employee as a member of the legislature or as an elected city or county official or who is elected as a state constitutional officer shall be calculated in the same manner as if he had spent that time in the service of his public employer for the purpose of determining vesting of his rights in the employer's pension, retirement or relief system. Under no circumstances shall two governmental units pay the employee's share of pension contributions for that period on which he is on leave of absence to serve in the legislature or as an elected city or county official."

Renumber the sections in sequence

Amend the title as follows:

Line 6, after "2" insert ", 3"

Mr. Davies moved to amend S. F. No. 737 as follows:

Page 2, line 20, before the period insert "*and; (3) that the re-*

quest for reinstatement is made not later than 10 years after the granting of the leave"

S. F. No. 274, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Page 2, after line 31 insert:

"Sec. 2. [NATURAL RESOURCES; ADDITIONS TO AND DELETIONS FROM CERTAIN STATE PARKS.] Subdivision 1. *The lands described in this section are, as specified in this section, added to or deleted from the boundaries of the state parks designated in this section. The commissioner of administration for the commissioner of natural resources is authorized to acquire by gift, purchase, or, if authorized by law, by condemnation proceedings the lands as described which are added. Any land which now is or hereafter becomes tax-forfeited land and is located within the described park boundaries is withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing districts. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state for such purposes and transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes. Any lands within the herein described boundaries which may be owned by the United States and managed by any of its agents may be acquired by land exchange, direct transfer, or purchase as federal laws may prescribe. The lands acquired pursuant to this section shall be administered in the same manner as provided for other state parks and shall be perpetually dedicated for such use.*

Subd. 2. [LAKE BEMIDJI STATE PARK ADDITIONS.] *The following area is added to Lake Bemidji State Park:*

*The Northeast Quarter; the Northwest Quarter; the Southwest Quarter; the West Half of the Southeast Quarter; and the Northeast Quarter of the Southeast Quarter; all in Section 13, Township 147 North, Range 33 West.*

*The South Half of the Northeast Quarter of the Northeast Quarter; the Southeast Quarter of the Northeast Quarter; the East Half of the Southeast Quarter; and the South 200 feet of the Southwest Quarter of the Southeast Quarter except the West 20 rods; all in Section 14, Township 147 North, Range 33 West.*

*The East Half of the Southwest Quarter; the North Half of the Southeast Quarter; the Southwest Quarter of the Southeast Quarter; that part of the Southeast Quarter of the Southeast Quarter lying westerly of the westerly right-of-way of the Burlington Northern Railway; Government Lots 1, 2, 3, and 4; and that part of Government Lots 5 and 6 lying northeasterly of County State Aid Highway No. 19; all in Section 24, Township 147 North, Range 33 West.*

*Government Lot 4 and that part of Government Lots 2, 3, and 5 lying westerly of the westerly right-of-way of the Burlington Northern Railway; all in Section 19, Township 147 North, Range 32 West.*

**Subd. 3. [LAKE BRONSON STATE PARK; ADDITIONS AND DELETIONS.]** *(a) The following area is added to Lake Bronson State Park: Section 35 in Township 161 North, Range 46 West. (b) The following area is deleted from Lake Bronson State Park: The Northeast Quarter, the North half of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 26; the North Half of the Northeast Quarter, the Northwest Quarter, the North Half of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 27; all in Township 161 North, Range 46 West.*

**Subd. 4. [LAKE CARLOS STATE PARK; ADDITION.]** *The following area is added to Lake Carlos State Park: The South Half of the Southeast Quarter of Section 8, Township 129 North, Range 37 West.*

**Subd. 5. [INTERSTATE STATE PARK; ADDITION.]** *The following area is added to Interstate State Park: That part of the Southwest Quarter of the Southwest Quarter of Section 25, described as follows: Beginning at the southwest corner of Section 25; thence North, assumed bearing, along the west line of Section 25, a distance of 924.5 feet to a point on or near the center line of County Road No. 82; thence North 66 degrees 06 minutes 15 seconds East, along the line on or near said road center line, a distance of 36.2 feet, more or less, to the point of intersection with a line drawn parallel with and distant 33 feet East of the west line of Section 25; thence continuing North 66 degrees 06 minutes 15 seconds East, along said line on or near road center line, a distance of 120 feet; thence South 23 degrees 53 minutes 45 seconds East, a distance of 250 feet; thence North 66 degrees 06 minutes 15 seconds East, a distance of 490 feet; thence easterly along a line parallel with the south line of said Southwest Quarter of the Southwest Quarter, a distance of 580 feet, more or less, to the east line of said Southwest Quarter of the Southwest Quarter; thence southerly along said east line of the southeast corner of said Southwest Quarter of the Southwest Quarter; thence westerly along the south line of said Southwest Quarter of the Southwest Quarter to the southwest corner of Section 25 and the point of beginning; That part of the East half of the Southwest Quarter of Section 25 lying southerly of County Road 82 excepting therefrom the east 433 feet of the Northeast Quarter of the Southwest Quarter; all in Township 34 North, Range 19 West. All of Blocks 51, 108, 109, 110, 111, 112, 113, 114, and 115; Lots 14 to 23, inclusive of Block 50; Lots 9 to 20, inclusive of Block 107: Also the former right of way of the Northern Pacific Railway Company through Blocks 35, 116, 117, 118, 119, 120, 124, 125, 126, and 127; all in the town of Taylors Falls, Chisago County, according to the recorded plats of the town and addition, together with all streets, alleys, levees, and parks abutting on the property; All being located in the West Half of the*

*Southwest Quarter and Government Lot 1 of Section 25 and Government Lot 1 of Section 36 Township 34 North, Range 19 West.*

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

Amend the title as follows:

Line 2, strike "McCarthy Beach state park" and insert "natural resources"

Line 2, strike "adding" and insert "authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto;"

Line 3, strike "certain lands to the park;"

S. F. No. 506, which the committee recommends to pass with the following amendment offered by Mr. Sieloff:

Page 2, line 4, before the period, insert "*, except any amounts that are carried forward to a subsequent year may be taken as a credit in such subsequent years*"

S. F. No. 845, which the committee recommends to pass with the following amendment offered by Mr. Johnson:

Strike everything after the enacting clause and insert:

"Section 1. Notwithstanding Minnesota Statutes, Section 123.32, or any other law to the contrary the high school attendance districts within St. Louis county Independent School District No. 710, Albrook, Cherry, Cook, Cotton, Meadowlands and Orr, shall each constitute a separate election district.

The school board of St. Louis county Independent School District No. 710 shall consist of six elected directors, one representing each election district. A director shall reside in the election district he represents.

Two directors shall be elected each year commencing in 1978. Directors representing the Orr and Albrook attendance districts shall be elected in 1978 and every three years thereafter; directors representing the Cotton and Meadowlands attendance districts, in 1979 and every three years thereafter; and directors representing the Cook and Cherry attendance districts, in 1980 and every three years thereafter. There shall be at least one polling place in each election district.

Except as provided in this section, the directors of the board of Independent School District No. 710 shall be elected and vacancies in those offices shall be filled in the manner provided by law for independent school districts.

S. F. No. 616 which the committee reports progress, subject to the following motions:

Mr. Keefe, S. moved to amend S. F. No. 616 as follows:

Page 11, line 5, after "*shall*" insert "*immediately*"

Page 11, line 6, strike "out of" and insert "*and that amount shall be deducted from the*"

The motion prevailed. So the amendment was adopted.

Mr. Kirchner moved to amend S. F. No. 616 as follows:

Page 2, line 12 after "thereon," insert "*excluding contracted service charges which may be deducted for a period not to exceed one year,*"

Page 3, line 5 after "thereon," insert "*excluding contracted service charges which may be deducted for a period not to exceed one year,*"

Page 3, line 21 after "sum" insert "*, excluding contracted service charges which may be deducted for a period not to exceed one year,*"

The motion prevailed. So the amendment was adopted.

Mr. Kirchner then moved to amend S. F. No. 616, as follows:

Page 4, line 32 after "superintendent," insert "*or such other person as specifically designated by its board of directors,*"

The motion prevailed. So the amendment was adopted.

S. F. No. 616 was then progressed.

S. F. No. 498, which the committee recommends to pass with the following amendment offered by Mr. Hanson:

Page 8, after line 5, insert

"Sec. 9. Minnesota Statutes 1976, Section 106.673, is amended to read:

106.673 [DITCHES, PLANTING WITH PERMANENT GRASS.] In any proceeding for the establishment or construction of a public drainage system or ditch or for the improvement, extension, or other work affecting such system or ditch under chapters 106, 111, 112, or any other law now in force or hereafter enacted, where viewers are appointed to assess benefits and damages, the authority having jurisdiction of the proceeding, shall order the spreading of spoil banks consistent with the plan and function of the ditch and ~~may~~ *shall* order the planting of a permanent grass, other than a noxious weed, on the banks and on a strip one rod in width or to the crown of the leveled spoil bank whichever is the greater on each side of the top edge of the channel of the ditch. The acreage which will be required is that needed for the foregoing and authority having jurisdiction shall acquire the additional interests in land needed for this purpose. No agricultural practices, other than those required for the maintenance of a permanent growth of grass, shall be permitted on any portion of the land acquired for this purpose and it shall be the duty of the authority having jurisdiction over the repair and maintenance of the ditch system to supervise all necessary reseeding and funds ~~may~~ *shall* be expended for the perpetration of the growth of grass in the same manner as for the other ditch repairs. Harvest of grass from the



grass strip in any manner not harmful to the grass or ditch shall be the privilege of the fee owner or his assigns, subject to such regulations as the county ditch inspector shall establish for the harvesting of grass."

Renumber the remaining section

Amend the title as follows:

Line 13, after "7;" strike "and"

Line 13, after "2;" insert "106.673;"

S. F. No. 191, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 4, line 29, strike "*or by the death of that parent*"

Page 5, line 12, strike "*or by the death of that parent*"

Page 5, line 18, strike "*The death of a parent*" and insert "*Notwithstanding the provisions of subdivisions 3 and 4, if a parent named on the original birth certificate of an adopted person has died, and at any time prior to his death the parent has filed an unrevoked affidavit with the state registrar stating that the information on the original birth certificate shall not be released, the adopted person may petition the court of original jurisdiction of the adoption proceeding for disclosure of his original birth certificate pursuant to section 259.31. The court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.*"

Page 5, strike lines 19 to 22

S. F. No. 617, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 3, line 7, after "*Minnesota*" insert "*who has not previously attended a peace officers training course*"

Page 3, line 8, after "*appointment*" insert "*or of the effective date of this act*"

S. F. No. 96, which the committee recommends to pass with the following amendment offered by Mr. Luther:

Page 2, line 28, strike "*he receives*" and insert "*you receive*"

S. F. No. 411, which the committee recommends to pass with the following amendments offered by Messrs. Sikorski and Frederick:

Mr. Sikorski moved to amend S. F. No. 411 as follows:

Page 8, line 10, after the period, insert "*An elected or appointed town constable who takes office on or after July 1, 1978, shall be licensed by the board in respect to his term of office as if he has met the pre-service and licensing requirements of the board, but he must satisfy renewal requirements of the board during his term of elected office.*"

Page 10, line 18, strike the first "2" and insert "4"

Mr. Frederick moved to amend S. F. No. 411 as follows:

Page 8, line 6, strike "*prior to that date*" and insert "*, in effect on June 30, 1977,*"

S. F. No. 543 which the committee reports progress, subject to the following motion:

Mr. Vega moved to amend S. F. No. 543 as follows:

Page 2, line 25, strike "general northerly"

Page 2, line 26, strike "direction"

Page 2, line 28, strike "*through* the city of St. Paul; thence extending in a"

The motion prevailed. So the amendment was adopted.

Mr. Ashbach moved to amend S. F. No. 543 as follows:

Page 2, line 29, after "direction" insert "*through the city of St. Paul*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 9 and nays 41, as follows:

Those who voted in the affirmative were:

Ashbach	Bernhagen	Dunn	Frederick	Ueland, A.
Bang	Brataas	Engler	Renneke	

Those who voted in the negative were:

Anderson	Johnson	Moe	Schrom	Stumpf
Coleman	Keefe, S.	Nelson	Setzepfandt	Ulland, J.
Davies	Kleinbaum	Olhoft	Sieloff	Vega
Dieterich	Laufenburger	Olson	Sikorski	Wegener
Gearty	Lessard	Penny	Sillers	Willet
Gunderson	Lewis	Perpich	Spear	
Hanson	Luther	Peterson	Staples	
Hughes	McCutcheon	Schaaf	Stokowski	
Humphrey	Merriam	Schmitz	Strand	

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

S. F. No. 543 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. Laufenburger moved that S. F. No. 1450 be withdrawn from the Committee on Commerce and re-referred to the Committee on Employment. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Monday, April 25, 1977.

Patrick E. Flahaven, Secretary of the Senate