

FIFTY-NINTH DAY

St. Paul, Minnesota, Friday, May 20, 1977

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

CALL OF THE SENATE

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

Bang	Engler	Lessard	Purfeerst	Strand
Benedict	Frederick	Luther	Renneke	Stumpf
Bernhagen	Gearty	McCutcheon	Schaaf	Tennessen
Borden	Hanson	Menning	Schmitz	Ueland, A.
Brataas	Hughes	Moe	Schrom	Vega
Chmielewski	Jensen	Nelson	Sieloff	Wegener
Davies	Johnson	Ogdahl	Sikorski	Willet
Dieterich	Knoll	Penny	Spear	
Dunn	Laufenburger	Pillsbury	Stokowski	

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

Prayer was offered by the Chaplain, Divinity Student, Kevin McDonough.

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

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

The President declared a quorum present.

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

Pursuant to Rule 21, Mr. Humphrey moved that the following

members be excused for a Conference Committee on S. F. No. 1467:

Messrs. Humphrey, Willet, Borden, Solon and Dunn. The motion prevailed.

Pursuant to Rule 21, Mr. Lewis moved that the following members be excused for a Conference Committee on S. F. No. 1416:

Messrs. Kirchner, Lewis, Milton, Moe and Perpich. The motion prevailed.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 18, 1977

The Honorable Edward J. Gearty
President of the Senate
Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 32, 51, and 845.

Sincerely,
Rudy Perpich, Governor

May 19, 1977

The Honorable Edward J. Gearty
President of the Senate
Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 125, 760, 1014, and 1017.

Sincerely,
Rudy Perpich, Governor

May 19, 1977

The Honorable Edward J. Gearty
President of the Senate
Dear Sir:

I have the honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 13, 69, 78, 99, 166, 188, 213, 319, 335, 465, 498, 499, 616, 667, 721, 737, 769, 827, 831, 833, 880, 903, 905, 914, 916, 919, 930, 963, 967, 969, 970, 972, 973, 1103, 1138, 1140, 1164, 1166, 1234, 1369, 1382, and 1423.

Sincerely,
Rudy Perpich, Governor

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Hughes, Stumpf, Strand and Gunderson introduced—

S. F. No. 1544: A bill for an act relating to education; requiring licensed chief school business officers in school districts of a certain size; appropriating money; amending Minnesota Statutes 1976, Section 121.11, Subdivision 13.

Referred to the Committee on Education.

Messrs. Humphrey, Chenoweth and Schaaf introduced—

S. F. No. 1545: A bill for an act relating to metropolitan government; exempting the metropolitan airports commission, metropolitan transit commission, and the metropolitan waste control commission from certain recording fees; providing for the filing of notices of claims against performance bonds on contracts let by the commissions; providing for shared use of local sewers by local government units; authorizing the waste control commission to establish a special contingency fund; amending Minnesota Statutes 1976, Sections 386.77; 473.515, by adding a subdivision; 473.517, Subdivision 1; and 574.31.

Referred to the Committee on Governmental Operations.

Mr. Purfeerst introduced—

S. F. No. 1546: A bill for an act relating to transportation; imposing an excise tax on the gross receipts from the sale at wholesale of gasoline and special fuels used in propelling motor vehicles on public highways; authorizing the issuance and sale of state bonds pursuant to Minnesota Statutes, Section 174.51 and Article XI of the Constitution for the design, construction and reconstruction of bridges and bridge approaches; establishing a special account in the Minnesota state transportation fund; appropriating money; amending Minnesota Statutes 1976, Chapter 296, by adding a section.

Referred to the Committee on Transportation.

Mr. Milton introduced—

S. F. No. 1547: A bill for an act relating to Independent School District No. 624 and Independent School District No. 12; providing for the exchange of territory between the districts.

Referred to the Committee on Education.

Messrs. Merriam; Wegener; Olson; Ueland, A. and Vega introduced—

S. F. No. 1548: A bill for an act relating to courts; changing fees collected by court clerks for certain actions and services; amending Minnesota Statutes 1976, Sections 260.106, Subdivision 1; 357.021, Subdivision 2; 491.02; 517.08, Subdivision 1; and Chapter 525 by adding a section.

Referred to the Committee on Judiciary.

Mr. Knoll introduced—

S. F. No. 1549: A bill for an act relating to retirement; authorizing a combined service annuity and the purchase of prior service credit for certain university employees.

Referred to the Committee on Governmental Operations.

Messrs. Anderson, Coleman, Ashbach, Gearty and McCutcheon introduced—

S. F. No. 1550: A bill for an act proposing an amendment to the Minnesota Constitution, Article V, Sections 1, 3, and 4, Article VIII, Section 2, and Article XI, Sections 6, 7, 8 and 10; eliminating the offices of state auditor and treasurer.

Referred to the Committee on Governmental Operations.

Without objection, the Senate proceeded to the Order of Business of Reports of Committees, Second Reading of House Bills and Motions, and Resolutions.

REPORTS OF COMMITTEES

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

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

H. F. Nos. 772 and 1631 for comparison to companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
772	691				
1631	1530				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 772 be amended as follows:

Page 2, line 1, after the period insert "*The amount of the indemnity on each contract shall not exceed \$100,000.*"

Page 2, line 7, after "*owned*" insert "*and operated*"

Page 2, line 17, delete "*deprived*" and insert "*disadvantaged*"

Page 2, line 20, after the period insert *"Until January 1, 1978, each commissioner may adopt emergency rules pursuant to section 15.0412, subdivision 5, to implement the provisions of this section."*

Page 3, line 1, delete *"shall be"* and insert *"is"* and delete *"the"*

Page 3, line 3, delete everything after the period

Page 3, delete lines 4 to 7 and insert *"The money provided by this act shall not be used for agreements executed after June 30, 1979. The total amount indemnified shall not exceed \$4,500,000."*

And so when amended, H. F. No. 772 will be identical to S. F. No. 691 and further recommends that H. F. No. 772 be given its second reading and substituted for S. F. No. 691 and that the Senate File be indefinitely postponed.

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1631 be amended as follows:

Page 1, delete lines 15 to 23 and insert

"Subd. 2. [COMMISSIONER OF ADMINISTRATION; ARCHITECTURAL PLANS.] \$100,000 or as much thereof as necessary is appropriated from the Minnesota state building fund to the commissioner of administration to develop architectural plans for reducing the capacity of the present prison to 200 beds."

Page 2, line 32, delete *"state building fund"* and insert *"general fund"*

Page 3, line 8, delete *"\$34,766,000"* and insert *"\$34,370,000"*

Page 3, line 15, after *"5"* insert *", clause"*

Page 3, delete lines 22 to 29 and insert

"Sec. 8. By not later than April 1, 1978, the Minnesota legislature shall study any air pollution problems relative to the existing power plant at the Minnesota state prison, Stillwater, Minnesota and determine what course of action shall be taken regarding the problem."

Sec. 9. There is appropriated to the commissioner of administration from the general fund the sum of \$105,000 for the administration of this act."

Page 3, line 30, after *"10."* insert *"The sum of"* and after *"appropriated"* insert *"from the general fund"*

Page 3, line 31, delete *"from the general fund"*

Page 5, after line 12, insert

"Sec. 14. [PUBLIC LAND AND BUILDINGS; GENERAL FUND APPROPRIATIONS.] Subdivision 1. There is appropriated from the general fund, or other funds as designated, in the state treasury to the state agencies indicated the sums set forth in this section, to be expended in accordance with the provisions of this act."

Subd. 2. To the commissioner of administration for an office building study at Duluth \$25,000

Subd. 3. To the commissioner of administration for capitol remodeling \$100,000"

And when so amended, H. F. No. 1631 will be identical to S. F. No. 1530 and further recommends that H. F. No. 1631 be given its second reading and substituted for S. F. No. 1530 and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H. F. Nos. 772 and 1631 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that the name of Mr. Penny be added as co-author to S. F. No. 227. The motion prevailed.

Mr. Keefe, S. moved that the name of Mr. Sikorski be added as co-author to S. F. No. 464. The motion prevailed.

Mr. Sikorski moved that the names of Mrs. Staples, Messrs. Nelson, Luther and Vega be added as co-authors to S. F. No. 959. The motion prevailed.

Mr. Tennessen moved that H. F. No. 1276 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration. The motion prevailed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Senate Calendar and waive the lie-over requirements. The motion prevailed.

THIRD READING OF HOUSE BILLS

H. F. No. 756: A bill for an act relating to public lands; authorizing sale of certain state owned and tax forfeited lands for use in a taconite tailings disposal facility.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Hanson	Kirchner	Lewis
Bang	Coleman	Hughes	Kleinbaum	Luther
Benedict	Engler	Jensen	Knoll	McCutcheon
Bernhagen	Frederick	Johnson	Laufenburger	Menning
Brataas	Gearty	Keefe, J.	Lessard	Milton

Subd. 2. To the commissioner of administration for an office building study at Duluth \$25,000

Subd. 3. To the commissioner of administration for capitol remodeling \$100,000"

And when so amended, H. F. No. 1631 will be identical to S. F. No. 1530 and further recommends that H. F. No. 1631 be given its second reading and substituted for S. F. No. 1530 and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H. F. Nos. 772 and 1631 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Wegener moved that the name of Mr. Penny be added as co-author to S. F. No. 227. The motion prevailed.

Mr. Keefe, S. moved that the name of Mr. Sikorski be added as co-author to S. F. No. 464. The motion prevailed.

Mr. Sikorski moved that the names of Mrs. Staples, Messrs. Nelson, Luther and Vega be added as co-authors to S. F. No. 959. The motion prevailed.

Mr. Tennessen moved that H. F. No. 1276 be withdrawn from the Committee on Finance and re-referred to the Committee on Rules and Administration. The motion prevailed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Senate Calendar and waive the lie-over requirements. The motion prevailed.

THIRD READING OF HOUSE BILLS

H. F. No. 756: A bill for an act relating to public lands; authorizing sale of certain state owned and tax forfeited lands for use in a taconite tailings disposal facility.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Chmielewski	Hanson	Kirchner	Lewis
Bang	Coleman	Hughes	Kleinbaum	Luther
Benedict	Engler	Jensen	Knoll	McCutcheon
Bernhagen	Frederick	Johnson	Laufenburger	Menning
Brataas	Gearty	Keefe, J.	Lessard	Milton

Moe	Perpich	Sikorski	Strand	Wegener
Nelson	Pillsbury	Sillers	Stumpf	Willett
Ogdahl	Purfeerst	Solon	Tennessee	
Olhoff	Renneke	Spear	Ueland, A.	
Olson	Schmitz	Stokowski	Ulland, J.	
Penny	Sieloff	Staples	Vega	

Mr. Dieterich voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 530: A bill for an act relating to insurance; regulating the use of credit life and credit health and accident insurance; eliminating level term credit life insurance; eliminating "pyramiding" of credit life insurance; permitting joint life credit insurance policies; permitting certain classes of credit accident and health insurance; amending Minnesota Statutes 1976, Sections 53.051; 56.15, Subdivision 2; 61A.12, by adding a subdivision; 62B.04, Subdivision 1; and 62B.05.

Was read the third and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1283: 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, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 3, as follows:

Those who voted in the affirmative were:

Bang	Davies	Hanson	Keefe, S.	Lewis
Benedict	Dieterich	Hughes	Kleinbaum	Luther
Bernhagen	Engler	Jensen	Knutson	McCutcheon
Brataas	Frederick	Johnson	Laufenburger	Menning
Chmielewski	Gearty	Keefe, J.	Lessard	Milton

Moe	Penny	Schmitz	Staples	Ulland, J.
Nelson	Peterson	Sieloff	Stokowski	Vega
Ogdahl	Pillsbury	Sikorski	Strand	Willet
Olhoff	Purfeerst	Sillers	Stumpf	
Olson	Renneke	Spear	Ueland, A.	

Messrs. Ashbach, Perpich and Tennesen voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 181 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 181

A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

May 18, 1977

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 181 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 181 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 3A.04, Subdivision 1, is amended to read:

3A.04 [SURVIVOR BENEFIT.] Subdivision. 1. [SURVIVING SPOUSE.] Upon the death of a member of the legislature while serving as such member after June 30, 1973, or upon the death

of a former member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), the surviving spouse shall be paid a survivor benefit in the amount of one-half of the retirement allowance of the member of the legislature computed as though the member were at least age 60 on the date of his death and based upon his allowable service or eight years whichever is greater. *The augmentation provided in section 3A.02, subdivision 4, if applicable, shall be applied to the month of death. Upon the death of a former legislator receiving a retirement allowance, the surviving spouse shall be entitled to one-half of the amount of the allowance being paid to the legislator.* Such benefit shall be paid during the lifetime of the surviving spouse, but shall cease and terminate upon the remarriage of the surviving spouse.

Sec. 2. Minnesota Statutes 1976, Section 3A.04, Subdivision 2, is amended to read:

Subd. 2. [DEPENDENT CHILDREN.] Upon the death of a member of the legislature while serving as such member after June 30, 1973, or upon the death of a former member of the legislature with at least eight years of service as required by section 3A.02, subdivision 1, clause (1), each dependent child of such member shall be paid a survivor benefit in the following amount: First dependent child, a monthly allowance which equals 25 percent of the monthly retirement allowance of the member of the legislature computed as though the member were at least age 60 on the date of his death and based upon his allowable service or eight years whichever is greater; for each additional dependent child, a monthly allowance which equals 12½ percent of the monthly retirement allowance of the member computed as in the case of the first child; but the total amount paid to the surviving spouse and dependent children shall not exceed in any one month 100 percent of the monthly retirement allowance of the member computed as in the case of the first child. *The augmentation provided in section 3A.02, subdivision 4, if applicable, shall be applied to the month of death. Upon the death of a former legislator receiving a retirement allowance, the surviving dependent child shall be entitled to the applicable percentage of the amount of the allowance being paid to the former legislator.* The payments for dependent children shall be made to the surviving spouse or the guardian of the estate of the dependent children, if there is one. A posthumous child qualifies as a dependent child for benefits provided herein from the date of its birth.

Sec. 3. Minnesota Statutes 1976, Section 3A.04, is amended by adding a subdivision to read:

Subd. 1a. [INCREASE IN SURVIVOR BENEFITS.] *Survivor benefits provided in subdivision 1 authorized and in effect on the effective date of this act shall be increased by 25 percent, effective retroactively to January 1, 1974 or the date the survivor benefit became payable, whichever is later.*

Sec. 4. Minnesota Statutes 1976, Section 69.011, Subdivision 1, is amended to read:

69.011 [QUALIFYING FOR STATE AID.] Subdivision 1. [DEFINITIONS.] Unless the language or context clearly indicates that a different meaning is intended, the following words and terms shall for the purposes of this chapter and chapter 424 have the meanings ascribed to them:

(a) "Commissioner" means the commissioner or director of insurance.

(b) "Municipality" means any city of any class, and organized town.

(c) "Minnesota Firetown Premium Report" means a blank form containing space for reporting by insurers of fire, lightning, sprinkler leakage and extended coverage premiums less return premiums and dividends received upon risks located or to be performed in this state.

(d) "Firetown" means any municipality having a qualified fire department or a qualified incorporated fire department having a retirement plan.

(e) "Average State Aid" means the sum of the amount of aid apportioned for firemen pensions or services the previous two years plus the amount of aid computed for apportionment by the assessed property valuation and population basis for the current year divided by three.

(f) "Assessed Property Valuation" means latest available assessed value of all property in a taxing jurisdiction, whether such property is subject to taxation, or exempt from ad valorem taxation for any reason, appearing on abstracts filed with the commissioner of revenue or equalized by the state board of equalization.

(g) "Minnesota Aid to Police Premium Report" means a blank form containing space for reporting by each fire and casualty insurer of all premiums less return premiums and dividends received upon direct business received by it in this state, or by its agents for it, in cash or otherwise, during the preceding calendar year, with reference to insurance written for insuring against the perils contained in auto liability-bodily injury, auto liability-property damage, and auto physical damage as reported on lines 19, 20, and 21 of page 14 of the fire and casualty insurance companies annual financial statement which each insurer is required to file with the commissioner in accordance with the governing laws or regulations.

(h) "Police officer" means any person:

(1) Whose primary source of income derived from wages is from direct employment by a municipality or county as a law enforcement officer on a full time basis of not less than 30 hours per week;

(2) Who has been employed for a minimum of six consecutive months prior to December 31 preceding the date of the current year's certification pursuant to section 69.011, subdivision 2, clause (b);

(3) Who is sworn to enforce the general criminal laws of the state and local ordinances;

(4) Who is authorized to arrest with a warrant;

(5) Who is a member of a local police relief association or the public employees police and fire fund;

(6) Who, if employed in a municipality with a population of more than 1,000 inhabitants according to the most recent federal census, is certified or meets the requirements for certification by the Minnesota police officers training board; and

(7) Who meets the selection standards of the Minnesota police officers training board.

(i) "Full time equivalent number of police officers providing contract service" means the integral or fractional number of police officers which would be necessary to provide the contract service if all were employed on a full time basis as defined by the employing unit in the municipality receiving the contract service.

Sec. 5. Minnesota Statutes 1976, Section 69.011, Subdivision 2, is amended to read:

Subd. 2. [CLERK TO FILE CERTIFICATE.] (a) On or before March 1 annually the clerk of each municipality having a duly organized fire department as provided in subdivision 4, clause (1) or the secretary of nonprofit fire fighting corporations having a relief and retirement plan or incorporated firemen's relief association shall certify that fact and the fire personnel and equipment of the fire department as of the preceding December 31 to the commissioner on a form prescribed by him together with the other facts the commissioner may require. The certification shall be made to the commissioner in duplicate. Each copy of the certificate shall be duly executed and deemed an original. The commissioner shall forward one copy to the auditor of the county wherein the fire department is located and retain one copy.

(b) On or before March 1 annually the clerk of each municipality having a duly organized police department and having a duly incorporated relief association shall certify that fact to the county auditor of the county where the police department is located and to the commissioner on a form prescribed by him together with the other facts the commissioner or auditor may require.

On or before March 1 annually, the clerk of each municipality and the auditor of each county employing one or more police officers as defined in section 69.001, subdivision 5 69.011, subdivision 1, clause (h), shall certify the number of such police officers who were employed for a minimum of six months as of the preceding December 31, to the commissioner on forms prescribed by him. For purposes of sections 69.011 to 69.051, employment of a police officer shall commence when the police officer is entered on the payroll of the respective municipal police department or county sheriff's department. No police officer shall be included in the certification of the number of police officers by more than one municipality or county.

Sec. 6. Minnesota Statutes 1976, Section 69.021, Subdivision 5, is amended to read:

Subd. 5. [CALCULATION OF STATE AID.] The amount of state aid available for apportionment shall be two percent of the fire, lightning, sprinkler leakage and extended coverage premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report and two percent of the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The amount for apportionment in respect to firemen's state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Firetown Premium Report. The total amount for apportionment in respect to police state aid shall not be greater or lesser than the amount of premium taxes paid to the state upon the premiums reported to the commissioner by insurers on the Minnesota Aid to Police Premium Report. The total amount for apportionment in respect to police state aid shall be distributed to the counties for apportionment to municipalities maintaining police departments and to the county on the basis of the number of active police officers, as certified pursuant to section 69.011, subdivision 2, clause (b) : who are members of the public employees police and fire fund or of a local retirement association. For purposes of sections 69.011 to 69.051, the term "police officer" means any person primarily employed by a municipality or a county as a full time salaried law enforcement officer sworn to enforce the general criminal laws of the state, authorized to arrest with a warrant, and certified or meeting the requirements for certification by the Minnesota police officers training board, except in municipalities with a population of less than 1,000. The commissioner shall calculate the percentage of increase or decrease reflected in the apportionment over or under the previous years *state* available premiums *state aid* using the same premiums as a basis for comparison.

Sec. 7. Minnesota Statutes 1976, Section 69.021, Subdivision 6, is amended to read:

Subd. 6. [CALCULATION OF APPORTIONMENT OF AID TO COUNTIES.] With respect to firemen, one-half of the state aid available shall be distributed to the counties in proportion to their population as shown by the last official statewide federal census. The remaining one-half of the state aid available shall be distributed to the counties in proportion to their assessed property valuation, excluding mineral values.

In the case of incorporated or municipal fire departments furnishing fire protection to cities, towns or townships in other counties as evidenced by valid fire service contracts filed with the commissioner of insurance and county auditor the distribution to the respective counties shall be adjusted proportionately to take into consideration the crossover fire protection service. The amount of firemen's state aid apportioned to each county shall not be less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the county. Provided that if the amount of aid so calculated is either greater

or less than the amount of aid available as calculated in subdivision 5 each county's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. Other necessary adjustments shall be made to subsequent apportionments. No county shall receive less than provided for under this subdivision.

The state aid available in respect to police officers shall not exceed the amount of tax collected and shall be distributed to the counties in proportion to the total number of active police officers, as defined in section 69.021, subdivision 5 69.011, subdivision 1, clause (h), in each county who are employed either by municipalities maintaining police departments or by the county. Any necessary adjustments shall be made to subsequent apportionments.

Sec. 8. Minnesota Statutes 1976, Section 69.021, Subdivision 7, is amended to read:

Subd. 7. [APPORTIONMENT OF AID TO MUNICIPALITIES AND FIREMEN'S RELIEF ASSOCIATIONS BY COUNTY AUDITOR.] (1) The county auditor shall apportion the state aid received by him relative to the premiums reported on the Minnesota Firetown Premium Reports filed pursuant to this chapter to each municipality and/or firemen's relief association certified to him by the commissioner in the same manner that state aid is apportioned to the counties, one-half in proportion to the population and one-half in proportion to the assessed property valuation of the fire towns in the county for which aid is proportioned. The county auditor shall apportion the amount of aid to each municipality and/or firemen's relief association in an amount not less than 100 percent nor more than 150 percent of the average state aid calculated for apportionment to the municipality and/or firemen's relief association. Provided that if the amount of aid so calculated is either greater or less than the amount of aid available as calculated in subdivision 5 each municipality's and/or firemen's relief association's proportionate share of the state aid shall be reduced or increased on a percentage basis so that the amount of aid apportioned shall not exceed the amount of tax collected. No municipality or firemen's relief association shall receive less than provided for under this subdivision.

In the case of municipalities or independent fire departments qualifying for the aid the county auditor shall calculate the state aid for the municipality or relief association on the basis of the population and the property valuation of the area furnished fire protection service by the fire department as evidenced by duly executed and valid fire service agreements filed with him. If one or more fire departments are furnishing contracted fire service to a city, town or township only the population and valuation of the area served by each fire department shall be considered in calculating the state aid and the fire departments furnishing service shall enter into an agreement apportioning among them-

selves the percent of the population and the assessed property valuation of each service area. Agreement shall be in writing and filed with the commissioner in duplicate. The commissioner shall forward one copy of the agreement to the county auditor of the county wherein the fire department is located and retain one copy.

In the case of cities of the first and second class the state aid calculated shall be paid directly to the treasurer of the relief association. In the case of all other municipalities and independent fire department relief associations or retirement plans the aid shall be paid to the treasurer of the municipality where the fire department is located and the treasurer of the municipality shall within 30 days transmit the aid to the relief association if the relief association has filed a financial report with the treasurer of the municipality and has met all other statutory provisions pertaining to the aid apportionment.

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

(2) The county auditor shall apportion the state police aid received by him ~~relative to the premiums reported on the Minnesota Aid to Police Premium Reports filed pursuant to this chapter~~ to each municipality ~~and to the county~~ in the following manner:

(a) For all municipalities maintaining police departments and the county, the state aid shall be distributed by the county auditor in proportion to the total number of police officers, as defined in section ~~69.021, subdivision 5~~ 69.011, subdivision 1, clause (h), employed by each municipality and by the county. ~~No community shall receive less state aid than they received in 1975, and;~~

(b) For each municipality which contracts with the county for police service, a proportionate amount of the state aid distributed to the county based on the *full time equivalent* number of police officers providing contract service shall be credited against the municipality's contract obligation;

(c) *For each municipality which contracts with another municipality for police service, a proportionate amount of the state aid distributed to the municipality providing contract service based on the full time equivalent number of police officers providing contract service on a full time equivalent basis shall be credited against the contract obligation of the municipality receiving contract service;*

(d) *No municipality entitled to receive police state aid shall be apportioned less police state aid for any year under Laws 1976, Chapter 315, than the amount which was apportioned to it for calendar year 1975 based on premiums reported to the commissioner for calendar year 1974; provided, the amount of police state aid to other municipalities within the county and to the county shall be adjusted in proportion to the total number of police officers in the municipalities and the county, so that the amount of police state aid apportioned shall not exceed the amount of police state aid available for apportionment.*

The county auditor and commissioner are hereby empowered to make rules and regulations to permit the administration of the provisions of this section.

Sec. 9. Minnesota Statutes 1976, Section 69.031, Subdivision 5. is amended to read:

Subd. 5. [DEPOSIT OF STATE AID.] (1) The municipal treasurer, when the state aid and tax is received by him, shall within 30 days after receipt pay over the portion of it attributed to premiums reported on the Minnesota Firetown Premium Report to the treasurer of the duly incorporated firemen's relief association if there is one organized and the association has filed a financial report with the municipality; but if there is no relief association organized, or if any association dissolve, be removed, or has heretofore dissolved, or has been removed as trustees of state aid, then the treasurer of the municipality shall keep the money in the municipal treasury as provided for in sections 424.30 and 424.31 and shall be disbursed only for the purposes and in the manner set forth in those sections.

(2) The municipal treasurer, upon receipt of the state aid and tax attributed to insurance premiums reported on the Minnesota Aid to Police Premium Report, shall disburse the state aid in the following manner.

(a) For a municipality in which a local police relief association exists and all police officers are members of the association, the total state aid shall be transmitted to the treasurer of the relief association within 30 days of the date of receipt of the state aid by the county auditor, and the treasurer of the relief association shall immediately deposit the total state aid in the special fund of the relief association upon receipt;

(b) For a municipality in which police retirement coverage is provided by the public employees police and fire fund and all police officers are members of the fund, the total state aid shall be applied toward the municipality's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association; or

(c) For a municipality in which both a police relief association exists and police retirement coverage is provided in part by the public employees police and fire fund, the municipality may elect at its option to transmit the total state aid to the treasurer of the relief association as provided in this subdivision, to use the total state aid to apply toward the municipality's employer contribution to the public employees police and fire fund subject to all the provisions set forth in clause (b), or to allot the total state aid proportionately to be transmitted to the police relief association as provided in this subdivision and to apply toward the municipality's employer contribution to the public employees police and

fire fund subject to the provisions of clause (b) on the basis of the respective number of active full time police officers, as defined in section 69.021, subdivision 5 69.011, subdivision 1, clause (h) .

(3) *The county treasurer, upon receipt of the police state aid for the county, shall apply the total state aid toward the county's employer contribution to the public employees police and fire fund pursuant to section 353.65, subdivision 3, and any state aid in excess of the amount required to meet the employer's contribution pursuant to section 353.65, subdivision 3, shall also be contributed to the public employees police and fire fund and credited in the manner to be specified by the board of trustees of the public employees retirement association.*

Sec. 10. Minnesota Statutes 1976, Section 352.03, Subdivision 1, is amended to read:

352.03. [BOARD OF DIRECTORS, COMPOSITION, EXECUTIVE DIRECTOR; DUTIES, POWERS.] Subdivision 1. [MEMBERSHIP OF BOARD; ELECTION; TERM.] The policy making function of the system is hereby vested in a board of seven *eight* members, who shall be known as the board of directors, hereinafter called the board. This board shall consist of three members appointed by the governor, one of whom shall be a constitutional officer or appointed state official and two public members knowledgeable in pension matters, and four state employees who shall be elected by state employees covered by the system *and one retired employee who shall be elected by retired employees* at a time and in a manner to be fixed by the board. Two board members, whose terms of office shall begin on the first Monday in March next succeeding their election, shall be elected biennially. The term of the two board members whose terms expire in 1968 shall terminate on the first Monday in March, 1968, and the terms of the two board members whose terms expire in 1970 shall terminate on the first Monday in March, 1970. *The elected retired board member shall serve a term commencing January 1, 1978 and terminating on the first Monday in March, 1980. Thereafter* the members of the board so elected shall hold office for a term of four years, *except the retired member whose term shall be two years*, and until their successors are elected, and have qualified. A state employee on leave of absence shall not be eligible for election or re-election to membership on the board of directors; and the term of any board member who is on leave for more than six months shall automatically terminate upon the expiration of such period.

Sec. 11. Minnesota Statutes 1976, Section 352.03, Subdivision 2, is amended to read:

Subd. 2. [VACANCY, HOW FILLED.] Any vacancy of a state employee *or retired employee* in the board caused by death, resignation, or removal of any member so elected shall be filled by the board for the unexpired portion of the term in which the vacancy occurs.

Sec. 12. Minnesota Statutes 1976, Section 352.03, is amended by adding a subdivision to read:

Subd. 4a. The board may consider, review and make recommendations regarding the financial and other needs of retired employees and may disseminate appropriate retirement information to the retired employee.

Sec. 13. Minnesota Statutes 1976, Chapter 352, is amended by adding a section to read:

[352.029] [COVERAGE FOR EMPLOYEES OF LABOR ORGANIZATIONS.] *Subdivision 1. [QUALIFICATIONS.] A former state employee who is an employee of a labor organization which is an exclusive bargaining agent representing state employees may elect pursuant to subdivision 2 to be covered by the state retirement system established by this chapter with respect to service with the labor organization unless specifically excluded under section 352.01, subdivision 2b.*

Subd. 2. [ELECTION.] A person described in subdivision 1 shall be covered by the state retirement system if written election to be covered is delivered to the executive director before July 1, 1977 or within 30 days of being employed by the labor organization, whichever is later.

Subd. 3. [CONTRIBUTIONS.] The employee, employer and additional employer contributions required pursuant to section 352.04 shall be the obligation of the employee who elects coverage under this section; provided, however, that the employing labor organization may pay the employer and employer additional contributions. Contributions made by the employee shall be made by salary deduction. The employing labor organization shall remit all contributions to the state retirement system pursuant to section 352.04.

Subd. 4. [PURCHASE OF PRIOR SERVICE CREDIT.] Any former state employee who elects membership pursuant to this section shall be allowed to make payment for service rendered prior to July 1, 1977 in a labor organization designated in subdivision 1; provided that the labor organization makes satisfactory certification of the prior service of the former state employee. Payment shall include all employee, employer and additional employer contributions at the rates in effect when the service was rendered plus interest at the rate of six percent per annum from the year of purchase to the date payment is made; provided, however, that the employing labor organization may pay the employer and employer additional contributions plus interest at the specified rate. Payment shall be made in one lump sum prior to July 1, 1982 or prior to retirement, whichever is earlier, and no allowable service with respect to such payment shall be credited to the employee's account until payment is received by the executive director.

Subd. 5. [BOARD MEMBERSHIP EXCLUDED.] Persons who become members of the state retirement system pursuant to this section shall not be eligible for election to the board of trustees.

Sec. 14. Minnesota Statutes 1976, Section 352B.01, Subdivision 3, is amended to read:

Subd. 3. "Allowable service" means (a) for those members defined in subdivision 2, clause (a), service for which payments have been made to the highway patrolmen's retirement fund, and (b) for those members defined in subdivision 2, clauses (b) and (c), service for which payments have been made to the highway patrolmen's retirement fund, service for which payments were made to the state police officers retirement fund after June 30, 1961, and all prior service which was credited to such member for service on or before June 30, 1961; provided that, after a member identified in clause (b) of this subdivision reaches the age of 60, each year of allowable service thereafter shall not be computed in determining his normal annuity unless he was employed as a state police officer before July 1, 1961. If such member was so employed before July 1, 1961 and reaches 60 years of age and has more than 30 years' allowable service at such time, each year *and completed month* of allowable service acquired by such member shall be computed in determining his normal annuity until such member reaches the age of 60. If such member was so employed before July 1, 1961, and has less than 30 years of allowable service when *he the member* reaches age 60, each year *and completed month* of allowable service acquired by such member shall be computed in determining *his the* normal annuity not to exceed 30 years of such allowable service. The *completed year such member reaches members reach* age 60 may be *computed counted* in full in determining allowable service.

Sec. 15. Minnesota Statutes 1976, Section 352B.08, Subdivision 2, is amended to read:

Subd. 2. The annuity shall be paid in monthly installments equal to that portion of the average monthly salary of the member multiplied by two and one-half percent for each year *and pro rata for completed months* of service not exceeding 20 years and two percent for each year *and pro rata for completed months* of service in excess of 20 years. Effective June 1, 1973, "average monthly salary" shall mean the average of the monthly salaries for the five high years of service as a member. The monthly salary for the period prior to July 1, 1969 shall be deemed to be \$600. In lieu of the life annuity herein provided, the member or former member with 20 *ten* years or more of service may elect a joint and survivor annuity, payable to *his the* surviving spouse *during her natural* for life, adjusted to the actuarial equivalent value of such life annuity. The joint and survivor annuity elected by a member may also provide that the elected annuity be reinstated to the life annuity herein provided, if after drawing the elected joint and survivor annuity, the spouse dies prior to the death of the member. This reinstatement shall not be retroactive but shall be in effect for the first full month subsequent to the death of the surviving spouse. This additional joint and survivor option with reinstatement clause shall be adjusted to the actuarial equivalent value of a regular life annuity. The member or *former member* with 20 *ten* years or more of allowable service may *elect credit is deemed to have elected* a 100 percent joint and survivor annuity *at any age but* payable only on or after *his the* member's 55th birthdate.

Sec. 16. Minnesota Statutes 1976, Section 352B.10, is amended to read:

352B.10. [DISABILITY BENEFITS.] (1) Any member less than 55 years of age, who shall become disabled and physically unfit to perform his duties as a direct result of an injury, sickness, or other disability incurred in or arising out of any act of duty, which shall render *him the member* physically or mentally unable to perform his or her duties, shall receive disability benefits during the period of such disability. The benefits shall be paid in monthly installments equal to that portion of the average monthly salary of the *beneficiary member* multiplied (a) by 50 percent and, (b) by an additional two percent for each year *and pro rata for completed months* of service in excess of 20 years.

(2) If a member is injured under circumstances which entitle him to receive benefits under the worker's compensation law, he shall receive the same benefits as provided in clause (1), less the amount paid to him in weekly benefits under the worker's compensation law.

(3) Any member who after not less than five years of service, before reaching the age of 55, terminates *his* employment because of sickness or injury occurring while not on duty and not engaged in state work entitling *him the member* to membership in the association, and the termination is necessary because the member is unable to perform his or her duties shall be entitled to receive a disability benefit. The benefit shall be in the same amount and *paid computed* in the same manner as if the *annuitant member* were 55 years of age at the date of his disability and the annuity were paid pursuant to section 352B.08. Should disability under this clause occur after five but in less than ten years service, the disability benefit shall be the same *computed* as though the member had at least ten years service.

(4) No member shall receive any disability benefit payment when there remains to *his credit the member has* unused annual leave or sick leave or under any other circumstances, when during the period of disability there has been no impairment of his salary and . Should such member or former member resume a gainful occupation and his or her earnings are less than *his the* salary received at the date of disability or the salary currently paid for similar positions, *the association shall continue* the disability benefit *shall be continued* in an amount which when added to such earnings does not exceed *his the* salary received at the date of disability or the salary currently paid for similar positions, which ever is higher, provided the disability benefit in such case does not exceed the disability benefit originally allowed.

(5) No disability benefit payment shall be made except upon adequate proof furnished to the *association director* of the existence of such disability, and during the time when any such benefits are being paid, the *association director* shall have the right, at reasonable times, to require the disabled former member to submit proof of the continuance of the disability claimed.

Sec. 17. Minnesota Statutes 1976, Section 352D.02, Subdivision 1, is amended to read:

352D.02 [COVERAGE.] Subdivision 1. The following employees in the unclassified service of the state who are eligible for coverage under the Minnesota state retirement system shall participate in the unclassified program unless such employee gives notice to the executive director of the state retirement system within one year following June 5, 1975 or the commencement of his employment, whichever is later, that he desires coverage under the regular employee plan. For the purposes of this chapter, an employee who does not file such notice with the executive director shall be deemed to have exercised his option to participate in the unclassified plan. The employee and applicable employer contributions for those employees covered by the regular plan on June 5, 1975, who after such date participate in the unclassified plan, shall be transferred to the supplemental fund in accordance with subdivision 4 and section 352D.03 as though the employee had elected to participate when first eligible to make such election. This subdivision shall also be applicable to any person who was an employee in an eligible position on or after January 1, 1975, has terminated service before June 5, 1975 with less than ten years of allowable service, and has not taken a refund of his contributions.

(1) Any employee in the office of the governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, revisor of statutes or the state board of investment.

(2) Any department, division, or agency head, the assistant department head or deputy, or any employee enumerated in sections 15A.081, subdivision 1 or 15A.083, subdivision 3.

(3) Any permanent, fulltime unclassified employee of the legislature or any commission or agency of the legislature or a part-time legislative employee having shares in the supplemental retirement fund whether or not eligible for coverage under the Minnesota state retirement system.

(4) Any person employed in a position established pursuant to section 43.09, subdivision 2a which is at the deputy or assistant head of department or agency or director level, and

(5) The chairman, chief administrator, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan waste control commission as designated by the commission, and the chairman, executive director, and not to exceed nine positions at the division director or administrative deputy level of the metropolitan council as designated by the council; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system, and

(6) *The executive director, associate executive director, and not to exceed nine positions of the higher education coordinating board in the unclassified service, as designated by the higher education*

coordinating board; provided that upon initial designation of all positions provided for in this clause, no further designations or redesignations shall be made without approval of the board of directors of the Minnesota state retirement system .

The eligibility to participate of those employees specified in clauses (4) and (5) employed in such positions on April 21, 1976, shall be retroactive to their date of appointment to such positions.

The eligibility to participate of those employees specified in clause (6) employed in such positions on the effective date of this section shall be retroactive to their date of appointment to such positions.

Sec. 18. Minnesota Statutes 1976, Section 353.03, Subdivision 1, is amended to read:

353.03 [BOARD OF TRUSTEES.] Subdivision 1. [MANAGEMENT; COMPOSITION; ELECTION.] The management of the public employees retirement fund is hereby vested in a board of trustees consisting of 14 15 members, who shall be known as the board of trustees. This board shall consist of three trustees, one of whom shall be designated by each of the following associations, Minnesota school boards association, League of Minnesota ~~Municipalities~~ Cities , and Association of Minnesota Counties; nine area trustees, who shall be elected from the membership *employed in one of the areas described below* by the members of the retirement association *employed in such area* except members of the police and fire fund; one trustee who shall be a retired annuitant elected *at large* by other annuitants; and one trustee who is a member of the police and fire fund elected *at large* by the membership of the police and fire fund. *The remaining trustee shall be elected prior to January 1 by the governing bodies of employee organizations, as defined in section 179.63, subdivision 5, representing association employees; provided that in making the election each employee organization shall have one vote for each association employee it represents. The respective governing bodies shall implement and administer a system for the election of this member and the filling of vacancies, and any dispute in the election process shall be resolved by the secretary of state. Elected trustees shall hold office for a term of four years. For seven days beginning December 1 of each year, except 1974 and every fourth year thereafter, the association shall accept at its office filings in person or by mail of candidates for the board of trustees. The An area candidate shall submit at the time of filing a nominating petition signed by 25 or more members of the fund from the area of the candidate, a retired annuitant candidate, a nominating petition signed by 25 or more such annuitants, and a police and fire fund candidate, a nominating petition signed by 25 or more members of such fund. No nominee may withdraw his name from nomination after December 15. Candidates shall file at large for all seats vacant at the forthcoming election. By January 10 of each year in which elections are to be held the board shall distribute by mail to the members and annuitants ballots listing the candidates , the number of positions to be filled and blank lines for write in votes . No member may vote for more than one candidate but a blank*

line shall be provided for a write in vote. A ballot indicating a vote for more than one person shall be void. No special marking may be used on the ballot to indicate incumbents. The last day for mailing ballots to the fund shall be January 31. Except as provided in this section, all terms expire on January 31 of the fourth year, and the position shall remain vacant until the newly elected member is qualified. The ballot envelopes shall be so designed and the ballots shall be counted in such a manner as to insure that each vote is secret. For the purpose of electing the nine area trustees, the state shall be divided into three areas as follows: Area one shall include Anoka, Hennepin, Ramsey and Washington counties. Area two shall include Big Stone, Swift, Kandiyohi, Meeker and Wright counties and all counties south thereof, except counties in area one. Area three shall include all the remaining counties of the state. If any governmental unit is located in more than one area, place of employment shall be deemed to be in the area in which the main office of the governmental unit is located. Each year for three years one area trustee shall be elected to a four-year term from each area by the members employed in the respective areas. In the fourth year one trustee shall be elected at large by the police and fire fund membership and one trustee elected at large by the annuitants.

Notwithstanding the foregoing, however, in order to provide for a transition to regional elections, in the year 1978 only, a retired trustee shall be elected by the annuitants, and three trustees shall be elected from each of the three areas by the members of the area who may vote for only one candidate. The annuitant candidate receiving the most votes shall serve a three-year term, the candidate in each area receiving the largest number of votes shall serve a four-year term, the candidate in each area receiving the second largest number of votes shall serve a two-year term and the candidate in each area receiving the third largest number of votes shall serve a one-year term. The elections shall be supervised by the secretary of state. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers of the governmental subdivisions which aid in financing it and the public employees who are its beneficiaries.

Sec. 19. Minnesota Statutes 1976, Section 353.01, Subdivision 2a, is amended to read:

Subd. 2a. [INCLUDED EMPLOYEES.] The following persons are included in the meaning of "public employee":

- (a) Elected or appointed officers and employees of elected officers.
- (b) District court reporters.
- (c) Officers and employees of the public employees retirement association.

(d) Employees of the League of Minnesota ~~Municipalities~~ *Cities*.

(e) Officers and employees of public hospitals, owned or operated by or an integral part of, any governmental subdivision or governmental subdivisions.

(f) Employees of a school district who receive separate salaries for driving their own buses.

(g) *Employees of the Association of Minnesota Counties.*

(h) *Employees of the Metropolitan Inter-County Council.*

(i) *Employees of the Minnesota Municipal Utilities Association.*

Sec. 20. Minnesota Statutes 1976, Section 353.01, Subdivision 2b, is amended to read:

Subd. 2b. [EXCLUDED EMPLOYEES.] The following persons are excluded from the meaning of "public employee":

(a) Persons employed for professional services where such service is incidental to regular professional duties.

(b) Election officers.

(c) Independent contractors and their employees.

(d) Patient and inmate help in governmental subdivision charitable, penal and correctional institutions.

(e) Members of boards, commissions, bands and others who serve the governmental subdivision intermittently.

(f) Employees who hold positions of an essentially temporary or seasonal character, provided such employment does not continue for a period in excess of 120 working days in any calendar year. ~~In the event such employees receive compensation on a monthly salary basis, each calendar month for which they are so paid shall constitute 30 working days; however, Immediately following the expiration of such 120 working days if such employees continue in public service and earn in excess of \$150 \$250 in any one calendar month, the department heads must then report all such employees for membership and must cause employee contributions to be made on behalf of such employees in accordance with section 353.27, subdivision 4, and they shall remain members until termination of public service.~~

(g) Parttime employees who receive monthly compensation not exceeding \$150 \$250, and parttime employees and elected officials whose annual compensation is stipulated in advance to be not more than \$1,800 \$3,000 per year, ~~except that members shall continue their membership until termination of public service.~~

(h) Persons who first occupy an elected office after February 1, 1969, the compensation for which does not exceed \$150 per month.

(i) Emergency employees who are employed by reason of work caused by fire, flood, storm or similar disaster.

(j) Employees who by virtue of their employment are required to contribute to any other pension, relief or retirement fund established for the benefit of officers and employees of a governmental subdivision, except as an act of the legislature has specifically enabled participation by employees of a designated governmental subdivision in a plan supplemental to the public employees retirement association; provided that this clause shall not prevent a person who belongs to the public employees retirement association from also belonging to or contributing to a volunteer firemen's relief association that does not determine its benefits or contributions on the basis of the salary or compensation of the fireman.

(k) Police matrons employed in a police department of any city who are transferred to the jurisdiction of a joint city and county detention and corrections authority.

(l) Persons who make application to be exempted from membership in the public employees retirement association, due to membership in any religious organization which has been organized five years or more, and whose customs, rites or religious beliefs forbid their membership in any public retirement association, providing such persons file an application stating the applicable provisions of their religious organization, confirmed by such organization, and waive all claims for retirement annuities or benefits of any kind pursuant to this charter *Chaplains and nuns who have taken a vow of poverty as members of a religious order.*

(m) Students who are occasionally employed part time by a governmental subdivision in any capacity and Full time students who are enrolled and are regularly attending classes at an accredited school, college or university; provided, no full time public employees shall be exempt under this paragraph and any such employees presently exempt hereunder shall become members as of July 1, 1976.

(n) Resident physicians, medical interns and pharmacist interns who are serving in public hospitals.

(o) Appointed or elected officers, paid entirely on a fee basis, and who were not members on June 30, 1971.

(p) Nothing in Laws 1973, Chapter 753 shall be interpreted to impair or revoke any option exercised under Laws 1963, Chapter 793.

Sec. 21. Minnesota Statutes 1976, Section 353.01, Subdivision 6, is amended to read:

Subd. 6. [GOVERNMENTAL SUBDIVISION.] "Governmental subdivision" means a county, city, town, school district within this state, or a department or unit of state government, the League of Minnesota Municipalities, or any public body whose revenues are derived from taxation, fees, assessments or from other sources, but does not mean any municipal housing and redevelopment authority organized under the provisions of sections 462.415 to 462.-

711; or any port authority organized pursuant to chapter 458; or any soil conservation district organized pursuant to chapter 40; or any hospital district organized or reorganized prior to July 1, 1975 pursuant to legislation enacted by the 1959 Legislature.

Sec. 22. Minnesota Statutes 1976, Section 353.01, Subdivision 15, is amended to read:

Subd. 15. [DEPENDENT CHILD.] "Dependent child" means any natural or adopted child of a deceased member, provided such child is (a) under the age of 18, (b) age 18 through 21 and a full time student, and in either case unmarried and dependent for more than one-half of his support upon such member at the time of death and for not less than 90 days prior thereto; provided, that effective retroactively to April 30, 1970 the child of a deceased member, who at the time of his death was receiving total and permanent disability benefits pursuant to section 353.33, shall be deemed dependent if he was dependent upon the decedent for more than one-half of his support during the 90 days prior to the decedent's becoming totally and permanently disabled; except that no payment in behalf of such a dependent child shall commence prior to July 1, 1971. It also includes any child of the member conceived during his lifetime and born after his death in any case where a member died after July 1, 1957. It also means any dependent child who is the subject of adoption proceedings filed by a member, and who within two years after death of the member, by judgment and decree duly entered, is adjudged to be the adopted child of the deceased member; subject, however, to the qualifying conditions of age and dependency aforesaid and the dependency of the child hereunder shall date from the decree of adoption.

Sec. 23. Minnesota Statutes 1976, Chapter 353, is amended by adding a section to read:

[353.022] [HENNEPIN AND SCOTT SOIL AND WATER CONSERVATION DISTRICTS EMPLOYEES.] *From and after July 1, 1977, employees of the Hennepin and the Scott soil and water conservation districts shall become coordinated members of the public employees retirement association, unless specifically excluded under section 353.01, subdivision 2b, and, notwithstanding section 353.01, subdivision 6, the districts shall be deemed governmental subdivisions for purposes of this chapter.*

Sec. 24. Minnesota Statutes 1976, Section 353.27, Subdivision 4, is amended to read:

Subd. 4. [EMPLOYERS REPORTING REQUIREMENTS; CONTRIBUTIONS; MEMBER STATUS.] The head of each department is hereby directed to cause employee contributions to be deducted at least once each month from the salary of each member and to issue or approve one voucher payable to the state treasurer for the aggregate amount so deducted from such salaries, and at the same time to issue or approve one voucher for the aggregate amount of the employer contributions and the additional employer contributions for the same period of employment as that covered by the employee contributions, and to cause the same to be remitted with-

in 15 days thereafter to the executive director. The head of each department shall, for each pay period in which employee contributions are deducted, submit to the association a salary deduction report, in the form prescribed by the board of trustees, or in lieu thereof a carbon or duplicate copy of departmental payroll abstract, showing (a) the legal names and the association membership numbers, listed in alphabetical or association membership number sequence, of all members; (b) the legal names of all new public employees and the effective dates of appointment; (c) the amount of each salary deduction; (d) the amount of salary from which each deduction was made; (e) effective dates of all terminations of public service on account of members and if such terminations were caused by death or retirement, there shall be inserted after such date the applicable word, "death" or "retirement"; and (f) effective dates of all temporary layoffs and leaves of absence and if such leaves are sick leaves, there shall be inserted after such date the words, "sick leave." Additionally, reports of contributions shall be accompanied by a membership enrollment form for each new employee in the form prescribed by the board, and it shall be the responsibility of department heads to obtain such enrollment forms from new employees for prompt submission to the association. The employers shall furnish such additional reports or punch cards as may be requested by the association executive director.

Sec. 25. Minnesota Statutes 1976, Section 353.29, Subdivision 4, is amended to read:

Subd. 4. [APPLICATION FOR ANNUITY.] Application for retirement annuity may be made by a member or by someone authorized to act in his behalf. Every application for retirement, in the form prescribed by the board of trustees, shall be substantiated in writing by proof of (a) age of the employee and (b) his public service, which shall be submitted by the employee and employer, respectively.

Sec. 26, Minnesota Statutes 1976, Section 353.29, Subdivision 8, is amended to read:

Subd. 8. [ANNUITIES; PAYMENT; EVIDENCE OF RECEIPT.] Payment of any annuity or benefit for a given month shall be mailed by the association to the annuitant, recipient of a disability benefit, or survivor, during the first week of the next ensuing month. Evidence of receipt of every warrant issued by the association in payment of an annuity or benefit shall be submitted by the payee thereof to the association quarterly beginning with the June, 1975 payments, together with a written declaration that the annuitant or recipient of a disability benefit has or has not returned to public service; that the surviving dependent spouse has or has not remarried; and shall be furnished on forms provided by the executive director thereof, before the association shall pay to the annuitant, disability recipient, or survivor for the next ensuing month, the annuity or benefit to which he otherwise may be entitled.

Sec. 27. Minnesota Statutes 1976, Section 353.31, Subdivision 8, is amended to read:

Subd. 8. [ACCRUAL OF BENEFITS.] All benefits under this section and survivor benefits otherwise provided in this chapter when payable to persons qualifying therefor shall accrue on the first day following the death of a "basic member" or annuitant, whichever is applicable. No payment may be made ~~(a) retroactively for more than 12 months prior to that month in which the application is filed, or (b) for the month, or any portion thereof, and no benefit shall accrue beyond the end of the month in which entitlement to such benefits has terminated. This subdivision shall have retroactive effect to January 1, 1960.~~

Sec. 28. Minnesota Statutes 1976, Section 353.32, Subdivision 7, is amended to read:

Subd. 7. [CERTAIN PAID PENALTIES.] A member, former member, beneficiary, legal representative, or next of kin shall be paid on demand the full amount of any additional penalty paid into the retirement fund by the member, former member, or deceased member in accordance with the provisions of Laws 1937, Chapter 466, Section 2; Laws 1947, Chapter 18, Section 2, or any rules made by the board of trustees pursuant to these laws, without interest thereon unless the additional penalty was previously refunded upon retirement of the said member or former member.

Sec. 29. Minnesota Statutes 1976, Section 353.33, Subdivision 1, is amended to read:

353.33 [TOTAL AND PERMANENT DISABILITY BENEFITS.] Subdivision 1. [AGE, SERVICE AND SALARY REQUIREMENTS.] After June 30, 1973 any member who becomes totally and permanently disabled before age 65 and after ten years of allowable service or after age 50 but before age 65 with five years of allowable service, whichever is sooner, shall be entitled to a disability benefit in an amount provided in subdivision 3. If such disabled person's public service has terminated at any time, at least five of the required ten years of allowable service must have been rendered after last becoming a member. Any member whose average salary is less than \$75 per month shall not be entitled to a disability benefit.

Sec. 30. Minnesota Statutes 1976, Section 353.33, Subdivision 9, is amended to read:

Subd. 9. [RETURN TO PUBLIC SERVICE.] Any person receiving a disability benefit who is restored to active public service except persons receiving benefits as provided in subdivision 7, shall have deductions taken for the retirement fund and upon subsequent retirement have his retirement annuity based upon all allowable service including that upon which the disability benefits were based. No person shall be entitled to receive disability benefits and a retirement annuity at the same time.

Sec. 31. Minnesota Statutes 1976, Section 353.36, Subdivision 2, is amended to read:

Subd. 2. [EMPLOYEE CONTRIBUTIONS; INTEREST; MATCHING PAYMENT.] A person who has at least one year of

allowable service with the association and who has prior public service on which salary deductions were not taken for the retirement fund and who does not have the required minimum number of years of allowable service credit to qualify for an annuity, may apply for such annuity if otherwise qualified, and within 90 days thereafter purchase whatever period of said public service is necessary to bring his total allowable service credit to said minimum, provided that last service shall be purchased first. Such person may gain such allowable service credit by paying six percent of the salary covered under the law in effect at the time that such public service was performed, with interest thereon at the rate of six percent per annum compounded annually from the date first payable to the date payment is made, plus a matching amount, unless the employer agrees to pay said matching amount pursuant to subdivision 2a. An annuity shall accrue as provided in section 353.29, subdivision 7, but no annuity shall be paid until the applicant's payment is made in full for the prior public service; if said payment is not made within such 90 days, the application for retirement shall be void.

Sec. 32. Minnesota Statutes 1976, Section 353.37, is amended to read:

353.37 [PUBLIC RE-EMPLOYMENT OF ANNUITANT.]
Subdivision 1. [EFFECT ON ANNUITIES.] The annuity of a person otherwise eligible therefor under this chapter shall be suspended if he re-enters and as long as he remains in public service as a non-elective employee of a governmental subdivision, if his earned compensation for such service exceeds \$3,000 in any calendar year. The suspension of the annuity shall commence as of the first of the month in which the maximum permitted compensation is exceeded as herein provided, but shall not apply to any months in which the annuitant is not actually employed in non-elective service in a position covered by this chapter. Any annuitant of the association, who is elected to public office after his retirement following June 30, 1959 shall be entitled to hold such office and receive his annuity otherwise payable from the public employees retirement association from and after July 1, 1959. Upon proper showing by an annuitant that this ineligibility no longer exists, the monthly annuity payments shall be resumed. Public service performed by an annuitant subsequent to his retirement under this chapter does not increase or decrease any annuity when payments thereof are resumed. The annuitant is not required to make any further contributions to the retirement fund by reason of this subsequent public service.

Subd. 1a. [EFFECT ON PROPORTIONATE ANNUITY.]
Notwithstanding Minnesota Statutes, Section 356.32 or any other provision of law, persons employed by a governmental subdivision that requires termination of employment pursuant to a uniformly applied mandatory retirement policy or law in accord with said section may receive a proportionate annuity under said section, if qualified, even if they or others are employed as substitute employees after age 65. For the purpose of this section a substitute employee is one who earns less than \$3,000 in any calendar year.

Sec. 33. Minnesota Statutes 1976, Section 353.46, is amended by adding a subdivision to read:

Subd. 1a. [PURCHASE OF ALLOWABLE SERVICE; ANNUITY.] A person who purchased allowable service in the public employees retirement association for a period of time including June 30, 1957, but was not in fact a member of such association on June 30, 1957, shall not be entitled to receive retirement annuity computed under Minnesota Statutes 1957, Section 353.46, Subdivision 1, and laws amendatory thereto. This section shall have retroactive application to any such person receiving or found eligible by the district court to receive benefits calculated under section 353.46, subdivision 1, and laws amendatory thereto.

Sec. 34. Minnesota Statutes 1976, Section 353.651, Subdivision 3, is amended to read:

Subd. 3. [RETIREMENT ANNUITY FORMULA.] The average salary as defined in subdivision 2, multiplied by two and one-half percent per year of allowable service for the first 20 years and two percent per year of allowable service thereafter, shall determine the amount of the "normal" retirement annuity; provided, however, if the annuity calculated hereunder is less than the annuity calculated under the law in effect on June 30, 1973, this latter amount shall be the "normal" annuity. If the member has earned allowable service for performing services other than those of a police officer or fire fighter, the annuity representing such service shall be computed in accordance with sections 353.29 and 353.30.

Sec. 35. Minnesota Statutes 1976, Section 354.05, is amended by adding a subdivision to read:

Subd. 36. [RETIREE OF FUND.] "Retiree of fund" means any former member who has retired as provided in this chapter.

Sec. 36. Minnesota Statutes 1976, Section 354.06, Subdivision 1, is amended to read:

354.06 [BOARD OF TRUSTEES; MEMBERSHIP; DUTIES.]
Subdivision 1. The management of the fund shall be vested in a board of seven ~~eight~~ trustees to be known as the board of trustees of the teachers retirement fund. It shall be composed of the following persons: the commissioner of education, the commissioner of finance, the commissioner of insurance, and four members of the fund who shall be elected by mail ballot for terms of four years by the members of the fund in a manner to be fixed by the board of trustees of the fund and one retiree who shall be elected by the retirees of the fund. The five elected members of the board of trustees shall be chosen by mail ballot in a manner to be fixed by the board of trustees of the fund. In every odd numbered year there shall be elected two members of the fund to the board of trustees for terms of four years commencing on the first of July next succeeding their election. Commencing in 1977 and every two years thereafter there shall be elected one retiree of the fund to the board of trustees for a term of two years commencing on the first of July next succeeding his election except that the first term

served by a retiree shall be for a period of 20 months commencing on November 1, 1977. Each election shall be completed by June 1st first of each succeeding odd numbered year except that the first election of a retiree shall be completed by October 1, 1977. In the case of elective members, vacancies shall be filled by appointment by the remainder of the board, the appointee to serve until the members or retirees of the fund at the next regular election have elected a trustee to serve for the unexpired term caused by such vacancy. No member or retiree shall be appointed by the board, or elected by the members of the fund as a trustee who is not a member or retiree of the fund in good standing at the time of such appointment or election. It shall be the duty of the board of trustees to faithfully administer the law without prejudice and consistent with the expressed intent of the legislature. They shall act as trustees with a fiduciary obligation to the state of Minnesota which created the fund, the taxpayers which aid in financing it and the teachers who are its beneficiaries.

Sec. 37. Minnesota Statutes 1976, Section 354.44, Subdivision 1a, as amended by Laws 1977, Chapter 67, Section 8, is amended to read:

Subd. 1a. [MANDATORY RETIREMENT.] Notwithstanding the provisions of sections 43.30 or 197.45 to 197.48, a member shall terminate employment on August 31, 1976, or at the end of the academic year in which the member reaches the age of 65, whichever is later. For purposes of this subdivision, an academic year shall be deemed to end August 31. A member who terminates employment at any time during the academic year at the end of which such person is required to terminate employment pursuant to this subdivision shall, for the purpose of determining eligibility for a proportionate retirement annuity, be considered to have been required to terminate employment at age 65 or earlier pursuant to this subdivision. Nothing contained in this subdivision shall preclude a school district, the Minnesota school for the deaf, or the Minnesota braille and sight saving school an employer unit covered by this chapter from employing a retired teacher as a substitute or part time teacher; provided, no teacher required to terminate employment by this subdivision shall resume membership in the retirement association by virtue of employment as a substitute or part time teacher; provided further that upon having earned \$3,000 in any academic year from employment as a substitute or part time teacher, any person over the age of 65 years shall terminate employment for the remainder of that academic year.

Sec. 38. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.201] [DEFINITIONS.] Subdivision 1. For the purposes of sections 38 to 46 of this act, the terms defined in this section shall have the meaning ascribed to them.

Subd. 2. "Enabling act" means sections 355.01 to 355.07.

Subd. 3. The terms "social security act", "state agency", "employment", "wages", "contribution fund", "Federal Insurance Con-

tributions Act", and "political subdivision" mean as defined in the enabling act.

Subd. 4. "Teacher" means all employees of political subdivisions who hold positions covered by the St. Paul teachers retirement fund association established under the provisions of chapter 354A.

Sec. 39. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.202] [REFERENDUM.] Pursuant to the provisions of the enabling act, the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, 1978, in accordance with the provisions of section 218 (d) (6) (C) of the social security act, for teachers.

Sec. 40. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.203] [NOTICE OF REFERENDUM.] The notice of referendum required by section 218 (d) of the social security act which is to be given to the teachers shall contain a statement in such form as the agency or individual designated to supervise the referendum shall deem necessary and sufficient to inform the teachers of the rights which accrue to them under the social security act. The statement shall also inform the teachers of the effect that coverage under the social security act will have on their public retirement program.

Sec. 41. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.204] [DIVISION OF THE ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION.] In accordance with section 218 (d) (6) (C) of the social security act, the state agency shall divide into two divisions or parts the St. Paul teachers retirement fund association established under the provisions of Minnesota Statutes, Chapter 354A. One division or part of the retirement fund association shall be composed of positions of teachers who desire coverage under an agreement under section 218 (d) of the social security act. The other division or part of the retirement fund association shall be composed of positions of teachers who do not desire coverage under such an agreement. Each division or part shall be deemed to be a separate retirement system for the purposes of section 218 (d) of the social security act. There shall be included in the division or part composed of members desiring such coverage the positions of teachers who become members of the St. Paul teachers retirement fund association after such coverage is extended; provided, a teacher whose service in a position covered by the retirement fund association commences after the date on which such social security coverage is extended shall be deemed to become a member of the retirement fund association upon the commencement of such service for purposes of this section, notwithstanding the date of any employment contract.

Sec. 42. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.205] [TRANSFER OF MEMBERS.] *In accordance with section 218 (d) (6) (F) of the social security act, and when the St. Paul teachers retirement fund association is divided into two divisions or parts, the position of any member of the division or part composed of positions of teachers who do not desire coverage under an agreement under section 218 (d) of the social security act may be transferred to the separate retirement system composed of teachers who desire such coverage; and a modification of agreement between the state and the secretary of health, education, and welfare may so provide, but only if prior to such modification the individual occupying such position files with the state agency a written request for such transfer.*

Sec. 43. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.206] [CERTIFICATION BY GOVERNOR.] *If the governor receives satisfactory evidence that the conditions specified in section 218 (d) (7) of the social security act have been met with respect to the St. Paul teachers retirement fund association, he shall so certify to the secretary of health, education, and welfare.*

Sec. 44. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.207] [AGREEMENTS WITH FEDERAL AGENCY.] *Upon the governor's certification pursuant to section 43 of this act, the state agency, with the approval of the governor, shall be authorized after June 30, 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.*

Sec. 45. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.208] [EMPLOYER CONTRIBUTIONS.] *Contributions required under the agreement or modification entered into pursuant to section 44 of this act to be made by political subdivisions employing teachers, and payments required by Minnesota Statutes, Section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the state.*

Sec. 46. Minnesota Statutes 1976, Chapter 355, is amended by adding a section to read:

[355.209] [EMPLOYEE CONTRIBUTIONS; DEDUCTION FROM WAGES.] *After the date the agreement or modification is entered into pursuant to section 44 of this act, there shall be paid as a deduction from wages an employee contribution in an amount equal to the tax that would be imposed by the Federal Insurance Contribution Act if such service constituted employment within the meaning of that act. Contributions so made shall be paid into the contribution fund in partial discharge of the liability of the state and each political subdivision in respect thereto. Failure*

to deduct such contribution shall not relieve the employee or the state or the political subdivision of liability therefor.

Sec. 47. Minnesota Statutes 1976, Section 355.281, is amended to read:

355.281 [REFERENDUM.] Pursuant to the provisions of the enabling act the governor shall designate an agency or an individual to supervise a referendum to be held after May 1, 1977 1978, in accordance with the provisions of section 218 (d) (6) (C) of the social security act, for teachers.

Sec. 48. Minnesota Statutes 1976, Section 355.286, is amended to read:

355.286 [AGREEMENTS WITH FEDERAL AGENCY.] Upon the governor's certification pursuant to section 355.285, the state agency, with the approval of the governor, shall be authorized after June 30, 1977 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 49. Minnesota Statutes 1976, Section 356.34, Subdivision 1, is amended to read:

356.34 [LIMITATION ON AVERAGE SALARY FOR BENEFITS.] Subdivision 1. Effective for any disability benefit or retirement annuity commencing after June 30, 1977 1978 from a fund enumerated in subdivision 2, which benefit or annuity is based on a final average salary, no year of salary used in determining the final average salary as defined by the laws governing the fund shall exceed the salary paid in the previous year by more than 15 percent.

Sec. 50. Minnesota Statutes 1976, Section 422A.02, is amended to read:

422A.02 [RETIREMENT BOARD; MEMBERS.] A retirement board of five *seven* members is hereby constituted which shall consist of the following:

- (1) Mayor;
- (2) The city comptroller or corresponding official;
- (3) ~~The chairman of the ways and means committee of the city council or corresponding member of the chief governing body of the city~~ *One member of the city council selected by the council ;* and
- (4) ~~Two~~ *Four* legally qualified voters of the city, residents thereof for the preceding five years, to be chosen by the employees as defined in sections 422A.01 to 422A.25 who are contributors to the retirement fund created by section 422A.01 to 422A.25. The employees may form an association for that purpose and the employing authorities are authorized to make payroll

deductions for the payment of dues to said association. The persons selected shall serve for staggered terms of two years from the first of the next succeeding January after their election, and until their successors are duly elected. Such selection shall be made by the employees during the first week of December of each year. Vacancies occurring by death, resignation, or removal of such representatives shall be filled by representatives chosen by the employees.

Sec. 51. *The two additional members authorized by section 50, clause (4) shall be chosen on the effective date of section 50 in the manner prescribed for the filling of vacancies on the board, with one designated to serve until January 1, 1978 and one until January 1, 1979. Thereafter the additional members shall be selected for regular two year terms in the manner provided in section 50.*

Sec. 52. Minnesota Statutes 1976, Section 422A.03, Subdivision 1, is amended to read:

422A.03 [MEETINGS; EMPLOYEES; RULES AND REGULATIONS.] Subdivision 1. The retirement board shall meet on the second ~~third~~ Tuesday of each calendar month of each year and may adjourn from time to time. Special meetings may be held upon the call of the president. The board shall, by a four-fifths vote of all members of the board, appoint an executive secretary, who shall have charge of the performance of the duties required by the provisions of sections 422A.01 to 422A.25, and shall appoint other necessary clerical help. If at the time of his appointment as executive secretary the appointee holds a position subject to the civil service rules and regulations of the city he shall be deemed to be on leave of absence from such civil service position during his tenure as executive secretary, and upon termination of such service shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classified position, seniority shall prevail, and the person most recently certified to such position shall be returned to the permanent civil service classification held by him prior to such certification.

Sec. 53. Laws 1975, Chapter 388, Section 1, is amended to read:

Section 1. [RETIREMENT; LEGISLATIVE EMPLOYEES; RETIREMENT AND PENSIONS; APPROPRIATION.] *Subdivision 1.* A permanent employee of the legislature who prior to attaining such status was employed by the legislature, or either body thereof on an intermittent basis may obtain allowable service credit for such service by paying to the Minnesota state retirement system an amount equal to four percent of his or her current salary rate multiplied by the days and months of such legislative service for which he or she desires to obtain allowable service credit. If the employee at the time of payment is a participant in the unclassified program the payment by the employee and employer shall be used to purchase ~~credits~~ in the Minnesota supplemental fund. Proof of legislative service and the duration thereof shall be established by a house employee by the certification of the committee on rules and legislative administration and by a senate

employee by the certification of the committee on rules and administration. Certification to the director of the Minnesota state retirement system shall include the exact periods of time for which the employee is eligible to obtain credit for service and credit therefor shall be computed and granted on the basis of full employment.

Subd. 2. A permanent employee of the legislature who prior to attaining such status provided professional services for the legislature prior to July 1, 1977 as an employee of a foundation or a non-profit corporation pursuant to a contract with the legislative coordinating commission may obtain allowable service credit for the period of the professional services by paying to the Minnesota state retirement system an amount equal to four percent of his or her current salary rate multiplied by the periods of service for which he or she desires to obtain allowable service credit. Proof of the professional services and the duration thereof shall be established by the certification of the legislative coordinating commission.

Subd. 3. The payments shall be made either in a lump sum or payroll deductions made or arranged for on or before July 1, 1976 1978. The payments permitted herein, by a person who is a senate employee on the date of payment shall be matched by the senate employer, and for a house employee by the house employer and such sums as are necessary therefor are hereby appropriated from the respective legislative expense funds and transferred to the Minnesota state retirement system. If the employee at the time of payment is a participant in the unclassified program, the payment by the employee and employer shall be used to purchase shares in the Minnesota supplemental fund.

Sec. 54. Laws 1976, Chapter 238, Section 12, is amended to read:

Sec. 12. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.] Subdivision 1. There shall be established effective July 1, 1977 1978, a coordinated retirement program within the Minneapolis teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation of the Minneapolis teachers retirement fund association pertaining to annual auto-

matic annuity increases, eligibility for membership in the association, and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.

Subd. 2. The articles of incorporation of the Minneapolis teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective July 1, 1977 1978 . The adoption of such amendments is hereby approved in accordance with Minnesota Statutes, 1975 Supplement, Section 354A.12.

Sec. 55. Laws 1977, Chapter 35, Section 18, is amended to read:

Sec. 18. [TEMPORARY PROVISION.] Notwithstanding any other provision of this act Laws 1977, Chapter 35 to the contrary, an increase in compensation provided a district or supreme court judge herein in Laws 1977, Chapter 35 shall not take effect until every as to any judge of the district court and or any justice of the supreme court who served in the district or supreme court prior to July 1, 1967, until he submits an executed agreement to the executive director of the Minnesota state retirement system in accord with section 490.106.

Sec. 56. *An employee of the Hennepin county district court who has attained the age of 65 years or older and who has not less than seven years of allowable service as a member of the public employees retirement association following part-time service on an intermittent basis with the court, shall be entitled to a proportionate retirement annuity pursuant to Minnesota Statutes, Section 356.32, notwithstanding the fact that the employee was not required to terminate service at age 65 or earlier. Payment of an annuity pursuant to this section shall be made retroactive to August 1, 1976 or the employee's date of termination, whichever is later.*

Sec. 57. [RAMSEY COUNTY; PUBLIC EMPLOYEES' RETIREMENT BENEFITS FOR SHERIFF'S PERSONNEL.] (a) *An employee of the Ramsey county sheriff's department, who is a member of the public employees police and fire fund and who was employed by the department before January 1, 1970 in a position that becomes covered by the police and fire fund membership after December 31, 1969 may receive allowable service credit in the police and fire fund for prior service by paying into the fund before December 31, 1977, the difference between the employee, employer and employer additional contributions actually paid, and the employee, employer and employer additional contributions that would have been paid under applicable law if the employee had been in the police and fire fund before January 1, 1970, together with six percent compound interest from the time the deductions would have been made to time of payment.*

(b) *If an employee makes payment in accord with this subdivision, allowable service credit in the general fund with respect to this prior service is eliminated and the executive director shall transfer the employee's account with respect to this service from the general to the police and fire fund.*

(c) Ramsey county may assume the obligation for additional payments, with interest, with respect to each employee who elects to pay the employee contributions and interest authorized by this section.

Sec. 58. Any person who, prior to May 1, 1975, had

(a) begun to receive a retirement annuity from the state employees' retirement fund established pursuant to Minnesota Statutes, Chapter 352;

(b) completed at least four years but fewer than eight years of service as a constitutional officer or commissioner and made employee contributions for that entire period of service to the elective state officers' retirement plan established pursuant to Minnesota Statutes, Chapter 352C;

(c) taken a refund of the employee contributions from the elective state officers' retirement plan upon termination of service as a constitutional officer or commissioner; and

(d) attained the age of 65 years or older; may elect to repay the refund to the elective state officers' retirement plan plus interest at six percent per annum compounded annually. Upon repayment the former constitutional officer or commissioner shall be entitled to receive a retirement allowance from the elective state officers' retirement plan. The amount of the retirement allowance shall be prorated, based on the relationship between the number of years of service for which the former constitutional officer or commissioner made contributions to the plan and eight years; provided, that payments from the elective state officers' retirement plan shall not be reduced by the amount of annuity or benefit payments from the state employees' retirement fund. In all other respects the laws in effect as of the date of termination of service shall govern.

Sec. 59. [MINNEAPOLIS TEACHERS RETIREMENT FUND ASSOCIATION.] Subdivision 1. The following amendment to the articles of incorporation of the Minneapolis teachers retirement fund association is hereby approved in accordance with Minnesota Statutes, Section 354A.12.

Subd. 2. [EARLY RETIREMENT.] Subsection (11) of Article IX shall be amended prior to July 1, 1977 to provide that all teachers who become members of the association after July 1, 1977, who have 30 years of service to their credit upon retirement, but who have not attained the age of 60 years upon the effective date of an application for a retirement annuity pursuant to that subsection, shall be entitled to a retirement annuity in an amount equal to the normal retirement annuity provided pursuant to that subsection reduced by one-quarter of one percent for each month that the member is under age 60 at the time of retirement.

Sec. 60. [ST. PAUL TEACHERS RETIREMENT FUND ASSOCIATION; COORDINATED PROGRAM.] Subdivision 1. There shall be established effective July 1, 1978, a coordinated

retirement program within the St. Paul teachers retirement fund association for teachers eligible for membership in such association who are covered by any agreement or modification made between the state and the secretary of health, education and welfare, making the provisions of the federal old age, survivors and disability insurance act applicable to such teachers. The coordinated retirement program shall provide for employee contributions, retirement annuities, disability benefits, optional survivor annuities, refunds of employee contributions and repayment thereof, age and service requirements, and purchase of credit for military service and sabbatical leave identical in effect to the corresponding provisions applicable to coordinated members of the statewide teachers retirement association contained in Minnesota Statutes, Sections 354.092; 354.35; 354.42, Subdivision 2; 354.44, Subdivisions 1, 4, 5, and 6; 354.45; 354.46, Subdivisions 2 and 3; 354.47, Subdivisions 1, Clause (2), and 2; 354.48; 354.49, Subdivisions 1, 2, 3, and 5; 354.50, Subdivisions 1 and 2; 354.53; and 354.60. Provisions in the articles of incorporation and the bylaws of the St. Paul teachers retirement fund association pertaining to eligibility for membership in the association and administration of the association, including but not limited to investment of assets, shall apply to coordinated as well as basic members.

Subd. 2. The articles of incorporation and the bylaws of the St. Paul teachers retirement fund association shall be amended as necessary to effect the changes described in subdivision 1, effective July 1, 1978. The adoption of such amendments is hereby approved in accordance with Minnesota Statutes 1976, Section 354A.12.

Sec. 61. Notwithstanding anything to the contrary in Article IV, Section 3, Paragraph 3, of the bylaws of the St. Paul teachers retirement fund association, the annual amount of the pension payable to a member who retires on or after July 1, 1977 upon or after attaining the age of 60 years shall equal the product obtained by multiplying an amount equal to two percent of his average salary as defined in Article IX, Section 1, Paragraph 2 of the bylaws, by the number of years of his accredited service, subject to a maximum of 40 years. A pension payable prior to the member attaining the age of 60 years shall be reduced in accordance with the provisions of Article IV, Section 3, Paragraph 3 of the bylaws.

Sec. 62. [WINONA POLICE CHIEF; PENSION COVER-AGE.] Subdivision 1. Notwithstanding Minnesota Statutes, Section 353.64, Subdivision 1 or any other law to the contrary, the person employed by the city of Winona on the effective date of this section as chief of police shall be a member of the public employees police and fire fund established by sections 353.63 to 353.68 and not of the local policemen's relief association established pursuant to sections 423.801 to 423.815. An amount equal to the employer and employee contributions which would have been required pursuant to section 353.65, had the person been a member of the public employees police and fire fund from the commencement of his employment with the police department of the city of Winona, plus interest at the rate of six percent per

annum compounded annually from the year the payment would otherwise have been made to the year the payment is made, shall be paid to the public employees police and fire fund, which shall credit the chief of police with service as a member for this period upon the receipt of the payments required under this section. An amount equal to the employer contributions plus interest as herein specified shall be transferred from the Winona policemen's relief association to the public employees police and fire fund. An amount equal to the employee contributions plus interest as herein specified shall be paid by the chief of police to the public employees police and fire fund. The chief of police shall be entitled to receive, upon making written application, a refund of his accumulated contributions to the Winona policemen's relief association plus interest at the rate actually received by the relief association as determined by the board of trustees of the relief association.

Subd. 2. This section is effective upon approval by the Winona city council and upon compliance with Minnesota Statutes, Section 645.021.

Sec. 63. In the next or earliest practicable edition of Minnesota Statutes, the revisor of statutes shall change the terms "fireman" and "firemen" to "firefighter" and "firefighters" respectively, wherever the terms appear in respect to those persons engaged in fighting fires as distinguished from maintaining fires in boilers, or other machines or devices.

Sec. 64. Sections 4, 5, 6, 7, 8, and 9 shall be effective for the certification of police officers by municipalities and counties as of December 31, 1976 and for the apportionment and distribution of police state aid made subsequent to January 1, 1977.

Sec. 65. [REPEALER.] Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5, are repealed.

Sec. 66. [EFFECTIVE DATE.] Sections 1, 2, 3, 13, 14, 15, 16, 20, 27, 32, 33, 37, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, and 59 are effective the day following final enactment. Sections 10, 11, 12, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 60, 61, 63, and 65 shall be effective July 1, 1977."

Further, amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement association and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; various technical amendments to the police state aid program; pension coverage for employees of state employee labor organizations; inclusions in the unclassified employees retirement plan; employment of certain substitute

teachers beyond the mandatory retirement age; establishment of a coordinated program and providing for an increased retirement formula for the St. Paul teachers retirement fund association; delaying the establishment of a coordinated program for the Minneapolis teachers retirement fund association; delaying implementation of a limitation on the average salary for retirement benefits; purchase of prior service for certain legislative employees; modifying waiver requirement for certain district court judges and supreme court judges; proportionate annuity for certain Hennepin county district court employees; purchase of prior service for certain Ramsey county sheriff's department employees; repayment of refund for certain former members of the elective state officers plan; pension coverage for the Winona police chief; amending Minnesota Statutes 1976, Sections 3A.04, Subdivisions 1 and 2, and by adding a subdivision; 69.011, Subdivisions 1 and 2; 69.021, Subdivisions 5, 6 and 7; 69.031, Subdivision 5; 352.03, Subdivisions 1, 2, and by adding a subdivision; 352B.01, Subdivision 3; 352B.08, Subdivision 2; 352B.10; 352D.02, Subdivision 1; 353.01, Subdivisions 2a, 2b, 6, and 15; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1 and 9; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 354.44, Subdivision 1a, as amended; 355.281; 355.286; 356.34, Subdivision 1; 422A.02; 422A.03, Subdivision 1; Chapters 352, by adding a section; 353, by adding a section; and 355, by adding sections; Laws 1975, Chapter 388, Section 1; Laws 1976, Chapter 238, Section 12; and Laws 1977, Chapter 35, Section 18; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5."

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

Senate Conferees: (Signed) Eugene Stokowski, Harmon Ogdahl, Roger Strand

House Conferees: (Signed) Al Patton, Leo Reding, John Biersdorf

Pursuant to Rule 21, Mr. Tennesen moved that the following members be excused for a Conference Committee on H. F. No. 415:

Messrs. Tennesen; Keefe, J.; Davies; Nelson and Merriam. The motion prevailed.

Pursuant to Rule 21, Mr. McCutcheon moved that the following members be excused for a Conference Committee on H. F. No. 1475:

Messrs. McCutcheon, Johnson, Peterson, Hanson and Stokowski. The motion prevailed.

Pursuant to Rule 21, Mr. Anderson moved that the following members be excused for a Conference Committee on H. F. No. 1300 at 11:00 a.m.

Messrs. Kirchner, Willet and Anderson. The motion prevailed.

Mr. Stokowski moved that the foregoing recommendations and Conference Committee Report on S. F. No. 181 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 181: A bill for an act relating to retirement; increasing the size of the boards of trustees of the public employees retirement association, Minnesota state retirement system, teachers retirement system and Minneapolis municipal employees retirement board; providing for election processes; survivor benefits for deceased legislators; making miscellaneous changes in the public employees retirement association provisions; amending Minnesota Statutes 1976, Sections 3A.04, Subdivision 1, and by adding a subdivision; 352.03, Subdivisions 1, 2, and by adding a subdivision; 353.01, Subdivisions 2a, 2b, 6, 15, and 20; 353.03, Subdivision 1; 353.27, Subdivision 4; 353.29, Subdivisions 4 and 8; 353.31, Subdivision 8; 353.32, Subdivision 7; 353.33, Subdivisions 1, 9 and 11; 353.36, Subdivision 2; 353.37; 353.46, by adding a subdivision; and 353.651, Subdivision 3; 354.05, by adding a subdivision; 354.06, Subdivision 1; 422A.02; and 422A.03, Subdivision 1; repealing Minnesota Statutes 1976, Sections 353.016; 353.018; 353.019; 353.03, Subdivision 2a; 353.31, Subdivision 11; 353.36, Subdivision 2d; 353.46, Subdivision 3; and 353.64, Subdivision 5.

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

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

The roll was called, and there were yeas 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 109 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 109

A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

May 17, 1977

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 109, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 109 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 15.06, is amended to read:

15.06 [APPOINTMENT OF DEPARTMENT HEADS; TERMS; DEPUTIES.] *Subdivision 1. [APPLICABILITY.] This section applies to the following departments or agencies: the departments of administration, agriculture, corrections, economic development, education, employment services, finance, health, human rights, labor and industry, natural resources, personnel, public safety, public welfare, revenue, transportation, veterans affairs and vocational rehabilitation; the banking, insurance and securities*

divisions and the consumer services section of the department of commerce; the energy, housing finance and pollution control agencies; the office of commissioner of iron range resources and rehabilitation; the bureau of mediation services; and their successor departments and agencies. The heads of the foregoing departments or agencies are referred to in this section as "commissioners".

Subd. 2. [TERM OF OFFICE; SUCCESSOR.] *The term of a commissioner shall end with the term of the office of governor. If the appointing authority is the governor, the term shall end on the date the governor who appointed the commissioner vacates his office. The appointing authority shall submit to the president of the senate the name of an appointee as permanent commissioner within 45 legislative days after the end of the term of a commissioner and within 45 legislative days after the occurrence of a vacancy. The appointee shall take office as permanent commissioner when the senate notifies the appointing authority that it has consented to the appointment. A commissioner shall serve at the pleasure of the appointing authority. Effective on and after July 1, 1987, a commissioner may only be removed for cause after notice and hearing.*

Subd. 3. [VACANCY; TEMPORARY COMMISSIONER.] *The purpose of this subdivision is to provide a procedure to insure the immediate accession to office of a temporary commissioner in the event of a vacancy in the office of commissioner. If at the end of a term of a commissioner the incumbent commissioner is not designated as acting commissioner pursuant to subdivision 4, or if a vacancy occurs in the office of a commissioner, the deputy commissioner as defined in subdivision 7 shall immediately become temporary commissioner without further official action. If there is more than one deputy commissioner, the appointing authority of the commissioner shall designate which of the deputies shall be temporary commissioner. If there is no deputy commissioner, the appointing authority of the commissioner shall designate a temporary commissioner.*

Subd. 4. [END OF TERM; VACANCY; ACTING COMMISSIONER.] *The purpose of this subdivision is to provide alternative means whereby an appointing authority may designate a person other than a temporary commissioner to serve as acting commissioner until advice and consent of the senate is received in respect to a permanent appointee. These alternative means include the following:*

(1) At the end of the term of a commissioner, the incumbent commissioner may at the discretion of the appointing authority serve as acting commissioner until his successor is appointed and qualifies.

(2) An appointing authority may appoint a person other than a deputy to serve as acting commissioner and to replace any other acting or temporary commissioner designated pursuant to subdivisions 3 or 4.

(3) Prior to the advice and consent of the senate, the appoint-

ing authority may designate the permanent appointee as commissioner.

Subd. 5. [EFFECT OF DESIGNATION OF ACTING OR TEMPORARY COMMISSIONER.] *A person who is designated commissioner, acting commissioner or temporary commissioner pursuant to subdivisions 3 or 4 shall immediately have all the powers and emoluments and perform all the duties of the office. Upon the appointment of a commissioner or acting commissioner to succeed any other acting or temporary commissioner, the subsequent appointee shall immediately take the place of any other acting or temporary commissioner. No person shall serve as commissioner or acting commissioner after the senate has voted to refuse to consent to his appointment as permanent commissioner. Notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the state register.*

Subd. 6. [GENERAL POWERS OF COMMISSIONERS.] *Except as otherwise expressly provided by law, the a commissioner or head of any state department or agency shall have the following powers:*

(1) To designate a division director or other subordinate as his deputy, to serve as such at his pleasure, with full authority to act for him, but subject to his control, and in case of a vacancy in the office of such commissioner or head, such deputy shall discharge the necessary duties of the office until the vacancy be filled;

(2) (1) To delegate to any of his subordinate officers or employees the exercise of such of his specified statutory powers or duties as he may deem advisable, subject to his control; provided, that every such delegation shall be made by written order, filed with the secretary of state; and further provided that only a deputy commissioner may have all the powers or duties of the commissioner;

(2) (2) To appoint all subordinate officers and employees in his department or agency and to prescribe their duties and fix their compensation; provided, that all departments and agencies hereunder shall be subject to the provisions of any civil service law now or hereafter enacted, so far as applicable chapter 43;

(3) (3) With the approval of the commissioner of administration, to establish within organize his department or agency such bureaus or subdivisions as he may deem advisable in the interest of economy and efficiency; and

(4) (4) To prescribe rules and regulations, not inconsistent with law, procedures for the conduct internal management of his department or agency and other matters within the scope of the functions thereof, including the custody and preservation of books, records, papers, documents, and other property, and the certification of copies of papers and documents; provided, that every rule or regulation affecting any person or agency, other than a

member of the department or agency concerned, shall be filed with the secretary of state to the extent that the procedures do not directly affect the rights of or procedure available to the public.

Subd. 7. [DEPUTY COMMISSIONER.] For purposes of this section, a "deputy commissioner" shall also include a "deputy director" when the department head bears the title "director". A deputy commissioner of a department or agency specified in subdivision 1 shall be in the unclassified civil service and shall be immediately subordinate to the commissioner. He shall have all the powers and authority of the commissioner unless the commissioner directs otherwise, and he shall speak for the commissioner within and without the department or agency. The primary duty of a deputy shall be to assist the commissioner in the general management of the entire department or agency or of major parts thereof, and shall not consist of operating single functional areas. A deputy commissioner serves at the pleasure of the commissioner.

Subd. 8. [NUMBER OF DEPUTY COMMISSIONERS.] Unless specifically authorized by statute, other than section 43.09, subdivision 2a, no department or agency specified in subdivision 1 shall have more than one deputy commissioner. Notwithstanding any other law to the contrary, none of the departments or agencies shall have more than two deputy commissioners.

Subd. 9. [PRIVATE EMPLOYMENT.] No former commissioner or deputy commissioner may, within one year after leaving the position of commissioner or deputy commissioner in a department or agency, appear or participate in proceedings of that department or agency representing the interests of private persons.

Sec. 2. [4.035] [EXECUTIVE ORDERS.] Subdivision 1. [APPLICABILITY.] A written statement or order executed by the governor pursuant to his constitutional or statutory authority and denominated by him as an executive order, or a statement or order of the governor required by law to be in the form of an executive order, shall be uniform in format; shall be numbered consecutively, and shall be effective and expire as provided in this section. Executive orders creating agencies shall be consistent with the provisions of this section and section 5.

Subd. 2. [EFFECTIVE DATE.] An executive order issued pursuant to sections 12.31 to 12.32 or any other emergency executive order issued to protect a person from an imminent threat to his health and safety shall be effective immediately and shall be filed with the secretary of state and published in the state register as soon as possible after its issuance. Emergency executive orders shall be identified as such in the order. Any other executive order shall be effective upon 15 days after its publication in the state register and filing with the secretary of state. The governor shall submit a copy of the executive order to the commissioner of administration to facilitate publication in the state register.

Subd. 3. [EXPIRATION DATE.] Unless an earlier date is specified by statute or by executive order, an executive order shall

expire 90 days after the date that the governor who issued the order vacates his office.

Sec. 3. Minnesota Statutes 1976, Section 15.051, Subdivision 1, is amended to read:

15.051 [STATE REGISTER.] Subdivision 1. [PURPOSE.] The commissioner of administration shall publish a state register containing all notices for hearings concerning rules, giving time, place and purpose of the hearing and the full text of the action being proposed. Further, the register shall contain all rules, amendments, suspensions, or repeals thereof, pursuant to the provisions of this chapter. The commissioner shall further publish any executive order issued by the governor which shall become effective upon such 15 days after publication except as provided in section 2, subdivision 2. The commissioner shall further publish any official notices in the register which a state agency requests him to publish. Such notices shall include, but shall not be limited to, the date on which a new agency becomes operational, the assumption of a new function by an existing state agency, or the appointment of commissioners. The commissioner may prescribe the form and manner in which agencies submit any material for publication in the state register, and he may withhold publication of any material not submitted according to the form or procedures he has prescribed.

The commissioner of administration may organize and distribute the contents of the register according to such categories as will provide economic publication and distribution and will offer easy access to information by any interested party.

Sec. 4. Minnesota Statutes 1976, Section 15.051, Subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF ITEMS FOR PUBLICATION.] Any state agency which desires to publish a notice of hearing, rule or regulation or change thereof, or an executive order, shall submit a copy of the entire document, including dates when adopted, and filed with the secretary of state, to the commissioner of administration in addition to any other copies which may be required to be filed with the commissioner by other law.

Sec. 5. [15.0593] [AGENCIES CREATED BY EXECUTIVE ORDER.] *The governor may by executive order create in his office advisory task forces, councils and committees to advise or assist him on matters relating to the laws of this state. A task force, council or committee so created shall have no more than 15 members, and vacancies may be filled by the governor. Members of a task force, council or committee shall receive no per diem but may be paid expenses in the same manner as state employees. A task force, council or committee shall expire two years after the date of order unless otherwise specified consistent with section 2, subdivision 3. The task force, council or committee shall be named beginning with the prefix "Governor's Task Force on", "Governor's Council on" or "Governor's Committee on". The governor shall not create a board, commission, authority or other similar multi-member agency except as provided in this section. A multi-member*

agency previously created by executive order shall be renamed and shall be consistent with the provisions of this section. Nothing in this section shall apply, to the extent inconsistent with statute or federal law, to any multi-member agency specifically authorized by statute or specifically authorized by federal law as a condition precedent to the receipt of federal moneys.

Sec. 6. Minnesota Statutes 1976, Section 16.01, is amended to read:

16.01 [COMMISSIONER OF ADMINISTRATION.] The department of administration shall be under the supervision and control of a commissioner of administration, in sections 16.01 to 16.23 chapter 16 also referred to as the commissioner, who shall be ex-officio the state budget director and state purchasing agent.

The commissioner of administration, who shall be in unclassified service, shall be appointed by the governor, by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval under the provisions of section 1.

Sec. 7. Minnesota Statutes 1976, Section 16.028, Subdivision 1, is amended to read:

16.028 [ADDITIONAL POWERS.] Subdivision 1. In addition to the other powers, duties and responsibilities of the commissioner of administration, he may appoint ~~two~~ *one* deputy commissioners *commissioner*, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 8. Minnesota Statutes 1976, Section 16A.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of finance is appointed by the governor by and with the advice and consent of the senate *under the provisions of section 1*. The commissioner so appointed shall have broad experience as an executive financial manager. The commissioner shall serve at the pleasure of the governor. A vacancy in the office of the commissioner shall be filled by the governor, with the advice and consent of the senate.

Sec. 9. Minnesota Statutes 1976, Section 16A.01, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint ~~two~~ *one* deputy commissioners *one deputy commissioner*, and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. Except as may be otherwise provided for by law, the commissioner shall fix the compensation of each

deputy. A deputy may perform and exercise a power, duty, or responsibility imposed by law on the commissioner when authorized so to do by the commissioner.

Sec. 10. Minnesota Statutes 1976, Section 16.125, is amended to read:

16.125 [TRANSFER OF POWERS OR DUTIES.] *Subdivision 1. The authority of the commissioner of administration under sections 16.12 and 16.125, includes the authority to transfer functions, in order to improve efficiency or avoid duplication, may transfer powers or duties, and personnel necessary to perform the powers or duties, of a department to another with the approval of the governor or agency to another department or agency that has been in existence for at least one year prior to the date of transfer. A transfer must have received the prior approval of the governor. The commissioner of administration shall no later than January 15 of each year submit to the legislature a bill making all statutory changes required by reorganization orders issued by the commissioner during the preceding calendar year.*

Subd. 2. [FORM OF TRANSFER; EFFECTIVE DATE.] A transfer made pursuant to subdivision 1 shall be in the form of a reorganization order. A reorganization order shall be filed with the secretary of state, shall be uniform in format and shall be numbered consecutively. An order shall be effective upon filing with the secretary of state and shall remain in effect until amended or superseded. Copies of the filed order shall be delivered promptly by the commissioner to the secretary of the senate and the chief clerk of the house. A reorganization order which transfers all or substantially all of the powers or duties or personnel of a department, the energy agency, the housing finance agency or the pollution control agency shall not be effective until ratified by concurrent resolution or enacted into law.

Subd. 3. In case of transfer of function The commissioner of finance shall determine the fractional part of the appropriation to the department or agency from which the function power or duty is transferred for the function represented by that transferred power or duty, and that part of the appropriation is hereby reappropriated to the transferee department assigned the function. The commissioner shall forthwith report the transfers to the committee on finance in the senate and the committee on appropriations in the house of representatives or agency.

Sec. 11. Minnesota Statutes 1976, Section 16A.16, is amended to read:

16A.16 [DEPARTMENT HEAD EXPENSES.] Heads of departments in the executive branch who receive a fixed salary of, or whose range midpoint is, \$23,000 \$36,000 annually or more, and constitutional officers, are authorized to expend annually a sum not to exceed \$2,000; and the heads of all other state departments are authorized to expend a sum not to exceed \$1,000 annually from their supply and expense funds for expenses necessary for the normal performance of their duties for which no other reimbursement is provided. The expenditures are subject to the statutes

and rules and regulations of the state governing budgeting, allotment and encumbrance, preaudit, and post audit.

The commissioner of finance may promulgate rules and regulations as necessary to assure the proper expenditure of these funds, and to provide for reimbursement.

Sec. 12. Minnesota Statutes 1976, Section 17.01, is amended to read:

17.01 [CREATION OF DEPARTMENT; COMMISSIONER; DEPUTY.] There is hereby created a department of agriculture, which shall be in the charge of a commissioner, who shall be in unclassified service, to be known as the commissioner of agriculture, in this chapter called the commissioner, who. He shall be appointed by the governor, by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. On January 4, 1971, the term of the incumbent commissioner of agriculture shall expire. In case of a vacancy, the governor may appoint a commissioner who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval under the provisions of section 1. Before entering upon the duties of his office, he shall take and subscribe the oath required of state officials and give his bond to the state of Minnesota, to be approved by, and filed with, the secretary of state, for the sum of \$5,000, conditioned for the faithful performance of his duties. He may appoint a deputy who shall be in the unclassified service, commissioner and such other assistants, clerks, and employees as occasion may require.

Sec. 13. Minnesota Statutes 1976, Section 43.001, Subdivision 2, is amended to read:

Subd. 2. The commissioner of personnel is appointed by the governor by and with the advice and consent of the senate for a term which coincides with the term of the governor and until his successor is duly appointed and qualifies under the provisions of section 1. He shall have broad experience in a managerial position including about five years as an executive personnel manager in one or more organizations essentially similar in complexity to state government. The governor may remove the commissioner only for cause, and after a public hearing. A vacancy in the office of the commissioner shall be filled by the appointing authority for the unexpired term.

Sec. 14. Minnesota Statutes 1976, Section 43.001, Subdivision 3, is amended to read:

Subd. 3. The commissioner may appoint two deputy commissioners one deputy commissioner and a confidential secretary, each of whom shall serve at the pleasure of the commissioner in the unclassified service. Except as may be otherwise provided for by law, the commissioner shall fix the compensation of each deputy

commissioner. A deputy commissioner may perform and exercise a power, duty, or responsibility imposed by law on the commissioner when authorized so to do by the commissioner.

Sec. 15. Minnesota Statutes 1976, Section 45.02, is amended to read:

45.02 [COMMISSIONERS; APPOINTMENT, TERMS, VACANCIES.] The governor, by and with the advice and consent of the senate, shall appoint the members of the commission under the provisions of section 1. The term of each member shall be six years. In case of a vacancy it shall be filled for the unexpired portion of the term. Each member of the commission, before entering upon the discharge of his duties, shall take, subscribe, and file with the secretary of state, the oath of office prescribed by the constitution; and shall give bond to the state, the commissioner of banks in the amount of \$50,000, the commissioner of insurance in the amount of \$25,000, and the commissioner of securities in the amount of \$10,000, conditioned for the faithful discharge of his duties during his continuance in office and for the payment without delay to the officer or person entitled by law thereto of all moneys which shall come into his hands by virtue thereof.

A majority of the commission shall constitute a quorum.

Each commissioner shall receive a salary in an amount set by the legislature payable semi-monthly, and each shall devote his entire time to the duties of his office.

Sec. 16. Minnesota Statutes 1976, Section 45.15, is amended to read:

45.15 [ESTABLISHMENT OF CONSUMER SERVICES SECTION.] A section of consumer services is established in the department of commerce under the supervision and control of a director of consumer services. The director of consumer services is appointed by the governor, by and with the advice and consent of the senate, for a four year term which shall coincide with the term of the governor and until a successor is duly appointed and qualifies. A vacancy in the office of director shall be filled for the unexpired term under the provisions of section 1.

Sec. 17. Minnesota Statutes 1976, Section 60A.03, Subdivision 1, is amended to read:

60A.03 [INSURANCE COMMISSIONER.] Subdivision 1. [COMMISSIONER; APPOINTMENT; TERM; VACANCY; BOND.] The commissioner of insurance shall be appointed by the governor, by and with the advice and consent of the senate, for the term of six years, who shall hold office until his duly appointed successor shall have qualified. In case of a vacancy, it shall be filled for the unexpired portion of the term. Before entering upon the discharge of his duties, he shall take, subscribe, and file with the secretary of state the oath of office prescribed by the constitution, and give bond to the state, with sureties to be approved by the state treasurer, in the amount of \$25,000, con-

ditioned for the faithful discharge of his duties during his continuance in office and for the payment without delay to the officer or person entitled by law thereto of all moneys which shall come into his hands by virtue thereof; *under the provisions of section 1 and shall devote his entire time to the duties of his office.*

Sec. 18. Minnesota Statutes 1976, Section 84.01, Subdivision 2, is amended to read:

Subd. 2. The commissioner of natural resources is appointed by the governor, by and with the advice and consent of the senate for a four-year term which shall coincide with the term of the governor and until his successor is duly appointed and qualifies. A vacancy in the office of the commissioner shall be filled for the unexpired portion of the term *under the provisions of section 1*. The commissioner may appoint a deputy who shall serve at the pleasure of the commissioner in the unclassified service. The salary of such deputy is fixed by the commissioner except when otherwise expressly provided for by law. The deputy may perform and exercise every power, duty, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner.

Sec. 19. Minnesota Statutes 1976, Section 116.03, Subdivision 1, is amended to read:

116.03 [DIRECTOR.] Subdivision 1. (a) The office of director of the pollution control agency is created and is under the supervision and control of the director, who is appointed by the governor by and with the consent of the senate for a four-year term, which shall coincide with the term of the governor, and until his successor is duly appointed and qualifies. The governor may remove the director at any time at his pleasure. A vacancy in the office of director shall be filled by the governor by and with the consent of the senate, for the unexpired portion of the term *under the provisions of section 1*.

(b) In order to expedite the establishing and functioning of the pollution control agency, the governor shall forthwith appoint an acting director, who shall have all the powers and duties of the director as provided in sections 116.01 to 116.08. The acting director may be a person in the service of the state at the time of his appointment, and who while serving as acting director is on leave of absence from his regular office or position in the state service. The acting director shall serve as such until the director is appointed and qualifies as such director. Pending the abolishment of the water pollution control commission as specified in section 116.02, subdivision 5, the director or acting director, as the case may be, is the secretary of such commission in lieu of the secretary and executive officer of the state board of health.

(c) (b) The director may appoint a deputy director and an assistant director who shall be in the unclassified service. The director may designate the deputy director to the agency to act in his stead as a member, with all his rights and privileges therein, of any agency, board, committee, or commission that the director

is made a member of by law. The designation shall be filed with secretary of state. The salary of the deputy director and of the assistant director shall be provided by law.

Sec. 20. Minnesota Statutes 1976, Section 116H.03, Subdivision 2, is amended to read:

Subd. 2. The agency shall be under the supervision of the director who shall organize the agency and employ such other officers, agents and employees as are necessary to carry out the functions of the agency. Duties of such officers, agents and employees shall be as specified by the director.

Sec. 21. Minnesota Statutes 1976, Section 116H.03, Subdivision 3, is amended to read:

Subd. 3. The director shall be appointed by the governor with the advice and consent of the senate, to a four-year term which shall coincide with the term of the governor and until his successor is duly appointed and qualified under the provisions of section 1. In appointing the director the governor should give due consideration to the listing of names submitted by the commission pursuant to section 116H.04. The director shall serve at the pleasure of the governor.

A vacancy in the office of director shall be filled by the governor and the new appointee shall immediately take office and carry out all duties until the next session of the legislature when his appointment shall be submitted to the senate for confirmation.

The director may appoint a deputy director and a personal secretary to serve at his pleasure. The salaries of the director and the deputy shall be fixed by the governor until otherwise expressly provided for by law. The deputy may be authorized by the director to perform every duty, power and responsibility imposed on the director unless expressly forbidden by law. The director and his deputy and his personal secretary shall serve in the unclassified service and shall be members of the Minnesota state retirement system.

Sec. 22. Minnesota Statutes 1976, Section 129A.02, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER.] The commissioner is the chief executive officer of the department and is the successor to the powers and duties of the former assistant commissioner of vocational rehabilitation. The commissioner shall be appointed by the governor with the advice and consent of the senate for a four-year term which will coincide with the term of the governor and until his successor is appointed and qualifies. The commissioner may be removed by the governor for cause after notice and hearing. In case of vacancy, the governor shall appoint a commissioner who shall immediately take office and shall carry on all duties of the office until the next session of the legislature when his appointment shall be submitted to the senate for approval and serve under the provisions of section 1. The commissioner shall be a person

having substantial experience in the administration and financing of vocational rehabilitation programs.

Sec. 23. Minnesota Statutes 1976, Section 174.02, Subdivision 1, is amended to read:

174.02 [COMMISSIONER; POWERS; DUTIES.] Subdivision 1. [APPOINTMENT.] The department shall be supervised and controlled by the commissioner of transportation, who shall be appointed by the governor with the advice and consent of the senate, for a four-year term which shall coincide with the term of the governor and until his successor is appointed and qualified. The governor may remove the commissioner at any time for cause after notice and hearing unless otherwise provided for in chapter 16 and serve under the provisions of section 1.

Sec. 24. Minnesota Statutes 1976, Section 175.001, Subdivision 1, is amended to read:

175.001 [DEPARTMENT OF LABOR AND INDUSTRY.] Subdivision 1. [CREATION AND ORGANIZATION.] The department of labor and industry is created under the supervision and control of the commissioner of labor and industry which office is hereby established. The commissioner of labor and industry, who shall be in unclassified service, shall be appointed by the governor by and with the advice and consent of the senate for a four-year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire under the provisions of section 1. There shall be one deputy commissioner in the department.

Sec. 25. Minnesota Statutes 1976, Section 179.02, is amended to read:

179.02 [BUREAU OF MEDIATION SERVICES.] Subdivision 1. There is hereby established in the department of labor and industry a bureau of mediation services, but not in any way subject to the control of the department. This bureau shall be under the supervision and control of a director. The office of director shall, as of the effective date of this act, be filled by the person then holding the office of labor conciliator and his term shall expire as of the date his term as labor conciliator would have expired. Thereafter The director shall be appointed by the governor with the advice and consent of the senate. He shall hold office for a term of four years under the provisions of section 1.

Subd. 2. The governor may, from time to time, appoint special mediators to aid in the settlement of particular labor disputes or controversies who shall have the same power and authority as the director with respect to such dispute and such appointment shall be for the duration only of the particular dispute. Such

special mediators shall be paid a per diem of \$75 per day while so engaged and their necessary expenses. The director shall prepare a roster of persons qualified to act as such special mediators and keep the same revised at all times and available to the governor and the public.

The director may employ and discharge mediators, clerks and other employees as needed, fix their compensation, and assign them their duties. As of the effective date of this act the division of conciliation, heretofore established, shall be abolished, and all of its powers and duties transferred to the bureau of mediation services. Any matters pending in or by the division of conciliation as of such date shall then and thereafter be carried on in the name of the bureau of mediation services.

Sec. 26. Minnesota Statutes 1976, Section 196.02, Subdivision 1, is amended to read:

196.02 [COMMISSIONER OF VETERANS AFFAIRS.] Subdivision 1. [APPOINTMENT; QUALIFICATIONS.] The department shall be under the supervision and control of a commissioner of Veterans' Affairs who shall be appointed by the governor by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. The commissioner shall be in unclassified service under the provisions of section 1. No person shall be eligible to receive appointment as commissioner unless he has the following qualifications:

(1) Residence in the state of Minnesota for at least five years prior to his appointment;

(2) Citizenship in the United States;

(3) Veteran of the armed forces of the United States as defined in section 197.447. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire.

Sec. 27. Minnesota Statutes 1976, Section 216A.06, Subdivision 1, is amended to read:

216A.06 [DIRECTOR.] Subdivision 1. [ESTABLISHMENT OF OFFICE, APPOINTMENT; TERM.] The office of director of the administrative division of the department of public service is hereby established. He shall be appointed by the governor with the advice and consent of the senate, for a four year term under the provisions of section 1.

Sec. 28. Minnesota Statutes 1976, Section 241.01, Subdivision 1, is amended to read:

241.01 [CREATION OF DEPARTMENT.] Subdivision 1.

[COMMISSIONER.] The department of corrections is hereby created under the control and supervision of the commissioner of corrections which office is hereby established. The commissioner of corrections, who shall be in unclassified service, shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor; by and with the advice and consent of the senate for a four-year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire under the provisions of section 1.

Sec. 29. Minnesota Statutes 1976, Section 241.01, Subdivision 2, is amended to read:

Subd. 2. [DIVISIONS; DEPUTIES.] The commissioner of corrections may appoint and employ no more than four two deputy commissioners who shall serve at the pleasure of the commissioner in the unclassified service of the state civil service. Each deputy may perform and exercise every duty, power and responsibility imposed by law upon the commissioner when authorized to so do by the commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state. Each deputy may perform and exercise every duty, power, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified civil service of the state, and fix the salary of said secretary commensurate with salaries for similar services in the classified service.

Sec. 30. Minnesota Statutes 1976, Section 245.03, is amended to read:

245.03 [DEPARTMENT OF PUBLIC WELFARE ESTABLISHED; COMMISSIONER.] There is hereby created and established a department of public welfare. A commissioner of public welfare shall be appointed by the governor with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval under the provisions of section 1. The commissioner, who shall be in unclassified service, shall be selected on the basis of ability and

experience in welfare and without regard to political affiliations. Subject to the provisions of sections 245.03 to 245.12 and other applicable laws, now or hereinafter enacted, The commissioner shall have the power to organize his department in such manner as he may deem necessary, and to appoint a deputy commissioner in unclassified service. He shall also appoint such other subordinate officers, employees and agents as he may deem necessary to discharge the functions of the department; and define the duties of such officers, employees and agents and to delegate to them any of his powers or duties subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated powers shall be written orders filed with the secretary of state. The commissioner shall give bond in the sum of \$10,000. On January 4, 1971, the term of the incumbent commissioner shall expire.

Sec. 31. Minnesota Statutes 1976, Section 268.12, Subdivision 1, is amended to read:

268.12 [CREATION.] Subdivision 1. [DEPARTMENT OF EMPLOYMENT SERVICES; COMMISSIONER.] (1) There is hereby created and established a department of employment security which shall be the successor to the division of employment and security, which said division is hereby abolished as a division of the department of social security as established by Laws 1939, Article VII, Section 1, *services under the control of*

(2) a commissioner of employment security *who* shall be appointed by the governor with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified; to administer this chapter as the same may hereafter from time to time be amended. The commissioner, who shall be in unclassified service, may be removed by the governor at any time for cause after notice and hearing *under the provisions of section 1*. The commissioner shall be selected on the basis of ability and experience and without regard to political affiliations. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire. Subject to the provisions of sections 268.03 to 268.24 and other applicable laws now or hereafter enacted, the commissioner shall have the power to organize his department in such manner as he may deem necessary. Appointments to exercise delegated powers shall be written orders filed with the secretary of state. The salary of the commissioner shall be prescribed by the legislature and he shall give bond in the sum of \$10,000.

(3) All proceedings, court actions, prosecutions or other business undertaken or commenced prior to April 21, 1953, by the division of employment and security and any other matters of the division of employment and security pending at the time of the passage of this act may be conducted and completed by the new

department of employment security in the same manner and under the same terms and conditions and with the same effect as though it were undertaken, commenced or conducted or completed by said division of employment and security prior to such change. All functions, powers and duties of such division of employment and security are by this act assigned and transferred to the department of employment security.

(4) All the powers and duties now vested in or imposed upon the director of the division of employment and security as a division of the department of social security are hereby vested in and imposed upon the commissioner of employment security.

All of the employees of said division of employment and security are hereby transferred to the department of employment security created by this section, and said commissioner shall take charge of said employees and shall employ them in the exercise of the respective functions, powers and duties transferred as aforesaid without reduction of compensation or civil service status enjoyed by said employees at the time of such transfer, subject, however, to change or termination of employment, compensation or civil service status as may be otherwise provided by law.

(5) All other acts or parts of acts now in effect inconsistent with the provisions of this section are hereby repealed, superseded, modified or amended so far as necessary to conform to and give full force and effect to the provisions of this section.

(6) Laws 1953, Chapter 603, shall take effect and be in force from and after its passage; provided, that no transfer of functions, rights, powers, duties, or funds made thereby shall take effect until the commissioner of the department to whom the same are transferred shall have been appointed; taken his oath of office and filed oath and bond in the office of the secretary of state; and until then the former division or agency vested therewith shall continue to exercise and perform such functions, rights, powers, and duties, and to have charge of such funds.

Sec. 32. Minnesota Statutes 1976, Section 270.02, Subdivision 2, is amended to read:

Subd. 2. [TERMS.] The commissioner of revenue shall be appointed by the governor by and with the advice and consent of the senate for a four-year term which shall coincide with the term of the governor until his successor is duly appointed and qualified *under the provisions of section 1*. The commissioner, who shall be in unclassified service, shall be selected on the basis of ability and experience in the field of taxation and tax administration and without regard to political affiliations. The governor may remove the commissioner at any time for cause, after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall take office immediately and shall carry on the duties of the office until the next session of the legislature, when his appointment is submitted to the senate for approval. The commissioner shall give bond to the state in the sum of \$200,000. The person occupying the position of commissioner of taxation on

July 1, 1973, shall be designated as commissioner of revenue, and his term of office shall coincide with the term of the office of governor.

Sec. 33. Minnesota Statutes 1976, Section 270.02, Subdivision 3, is amended to read:

Subd. 3. [POWERS, ORGANIZATION, ASSISTANTS.] Subject to the provisions of this chapter and other applicable laws the commissioner shall have power to organize the department with such divisions and other agencies as he deems necessary and to appoint ~~two one~~ deputy commissioners *commissioner*, a department secretary, directors of divisions, and such other officers, employees, and agents as he may deem necessary to discharge the functions of the department, define the duties of such officers, employees, and agents, and delegate to them any of his powers or duties, subject to his control and under such conditions as he may prescribe. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

Sec. 34. Minnesota Statutes 1976, Section 298.22, Subdivision 1, is amended to read:

298.22 [IRON RANGE RESOURCES AND REHABILITATION:] Subdivision 1. On and after July 1, 1969, (1) There is hereby appropriated from the general fund for the purposes hereinafter set forth, five percent of all amounts paid and credited to said fund from the proceeds of taxes paid under the provisions of sections 298.01 to 298.21.

(2) The office of commissioner of iron range resources and rehabilitation is hereby created. The commissioner shall be appointed by the governor, with the advice and consent of the senate for a four year term which shall coincide with the term of the governor until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall take office immediately and shall carry on the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval under the provisions of section 1.

(3) The salary of the commissioner, who shall be in unclassified service, shall be paid from the amounts appropriated by this section; provided, that such salary shall be reduced by such amount as he may receive from other funds, and the commissioner may hold such other positions or appointments as are not incompatible with his duties as commissioner of iron range resources and rehabilitation. The commissioner may appoint a deputy commissioner who shall serve in the unclassified service at the pleasure of the commissioner. All expenses of the commissioner, including the payment of such assistance as may be necessary, shall be paid out of the amounts appropriated by this section.

(4) When the commissioner shall determine that distress and unemployment exists or may exist in the future in any county by reason of the removal of natural resources or a possibly limited

use thereof in the future and the decrease in employment resulting therefrom, now or hereafter, he may use such amounts of the appropriation made to him in this section as he may determine to be necessary and proper in the development of the remaining resources of said county and in the vocational training and rehabilitation of its residents. For the purposes of this section, "development of remaining resources" includes, but is not limited to, the promotion of tourism.

Sec. 35. Minnesota Statutes 1976, Section 299A.01, Subdivision 1, is amended to read:

299A.01 [DEPARTMENT OF PUBLIC SAFETY; CREATION AND ORGANIZATION.] Subdivision 1. In order that the functions and services of the state of Minnesota relating to the safety and convenience of its citizens might be coordinated and directed in an accessible, identifiable manner; and to promote and insure the existing public safety operations of that government, The department of public safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor, by and with the advice and consent of the senate for four year term. The governor may remove the commissioner only for cause, after a public hearing. A vacancy in the office of the commissioner shall be filled for the unexpired portion of the term under the provisions of section 1. The commissioner may appoint a deputy who shall serve at the pleasure of the commissioner in the unclassified service. The salary of such deputy is fixed by the commissioner except when otherwise expressly provided for by law. The deputy may perform and exercise every power, duty, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner.

Sec. 36. Minnesota Statutes 1976, Section 299A.01, Subdivision 2, is amended to read:

Subd. 2. The duties of the deputy commissioner shall include, in addition to such other functions and responsibilities as may be delegated or assigned by the commissioner or imposed by law, the following: (a) The coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) The execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) The development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) The establishment of a planning bureau within the department, which bureau shall consult and coordinate its activities with the state planning director.

Sec. 37. Minnesota Statutes 1976, Section 362.09, Subdivision 1, is amended to read:

362.09 [COMMISSIONER; ADVISORY COMMITTEE.] Subdivision 1. The department shall be under the supervision and control of a commissioner of economic development, in unclassified service, who shall be appointed by the governor, by and with the advice and consent of the senate for a term of four years to coincide with that of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing under the provisions of section 1. He shall be chosen with regard to his knowledge, training, experience, and ability in administering the functions of the department. In case of a vacancy, the governor may appoint a commissioner who shall thereupon immediately take office and shall carry on all the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. The commissioner shall receive a salary as provided by law. He shall give a bond to the state in the sum of \$10,000. On January 4, 1971, the term of the incumbent commissioner shall expire.

The commissioner shall appoint a deputy, fix his salary unless otherwise prescribed by law and define his duties. The deputy shall enjoy a confidential relationship with the commissioner and is in the unclassified service of the state commissioner.

Sec. 38. Minnesota Statutes 1976, Section 363.04, Subdivision 1, is amended to read:

363.04. [DEPARTMENT OF HUMAN RIGHTS.] Subdivision 1. [CREATION; COMMISSIONER.] There is hereby established at the cost of government an executive department to be known as the department of human rights. There shall be at the head of the department under the direction and supervision of a commissioner of human rights, who shall be appointed by the governor, by and with the advice and consent of the senate for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire. The department shall be administered under the supervision and direction of the commissioner, who shall be in unclassified service, and shall receive compensation at the rate prescribed by law under the provisions of section 1.

Sec. 39. Minnesota Statutes 1976, Chapter 144, is amended by adding a section to read:

[144.011] [DEPARTMENT OF HEALTH.] Subdivision 1. [COMMISSIONER.] The department of health shall be under the control and supervision of the commissioner of health who

shall be appointed by the governor under the provisions of section 1. The state board of health is abolished and all powers and duties of the board are transferred to the commissioner of health. The commissioner shall be selected without regard to political affiliation but with regard to ability and experience in matters of public health.

Subd. 2. [STATE HEALTH ADVISORY COUNCIL.] The state health advisory council is hereby created to consist of 15 members appointed by the governor. Nine members of the council shall be broadly representative of the licensed health professions and six members shall be public members as defined by section 214.02. The council and its members shall be governed by the provisions of section 15.059. The governor shall designate a chairman of the council and such other officers as he deems necessary. The council shall advise the commissioner of health on any matter relating to the functions of the department.

Sec. 40. Minnesota Statutes 1976, Section 121.09, is amended to read:

121.09 [ADMINISTRATION; EXCEPTIONS.] ~~The state board commissioner~~ shall administer all laws and rules promulgated by the board relating to ~~the commissioner~~, libraries, and other public educational institutions, except such laws as may relate to the university of Minnesota and to the state universities and community colleges.

Sec. 41. Minnesota Statutes 1976, Section 121.16, Subdivision 1, is amended to read:

121.16 [COMMISSIONER OF EDUCATION.] Subdivision 1. ~~The state board shall elect a~~ The department shall be under the administrative control of the commissioner ~~who of education which office is established. The commissioner shall be the executive officer and secretary of the state board and whose term of office shall be four years. He shall be appointed by the state board with the approval of the governor under the provisions of section 1. For purposes of section 1, the board shall be the appointing authority.~~

He The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. The commissioner shall have authority to nominate, for approval by the state board, such officials and appoint employees as may be necessary to perfect and to maintain for the organization of the department as recommended by him and as adopted by the state board. He shall perform such duties as the law and the rules of the state board may provide and be held responsible for the efficient administration and discipline of the various offices and division in the organization of the department. He shall be required to make recommendations to the state board which shall facilitate all of the work of the state board, and he shall be charged with the execution of powers and duties which the state board may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to

enable the state board to carry out the provisions of this code its duties.

Sec. 42. Minnesota Statutes 1976, Section 462A.04, Subdivision 8, is amended to read:

Subd. 8. The agency shall employ an executive director, legal and technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation be under the administrative control of an executive director which office is established. He shall be appointed by the governor under the provisions of section 1.

The executive director may appoint a deputy director. The executive director may further appoint such permanent and temporary employees as he deems necessary subject to the approval of the commissioner of personnel. The agency may delegate to one or more of its agents or employees such powers or duties as it might deem proper. All permanent employees of the agency, except the executive director, deputy director, and five additional positions reporting directly to the director are in the classified civil service of the state. The five additional unclassified positions permitted by this subdivision shall only be filled in the manner and pursuant to the procedures and conditions specified in section 43.09, subdivision 2a; provided, that no additional deputy commissioner positions may be created.

Sec. 43. Minnesota Statutes 1976, Section 473.141, Subdivision 7, as amended by Laws 1977, Chapter 35, Section 7, is amended to read:

Subd. 7. [COMPENSATION.] Each commission member shall be paid a per diem compensation of \$50 for each meeting and for such other services as authorized by the commission, and shall be reimbursed for all actual and necessary expenses incurred in the performance of his duties in the same manner and amount as state employees. The chairman shall receive a salary in an amount fixed by the members of the commission section 15A.081 and shall be reimbursed for reasonable expenses to the same extent as a member; provided that the chairman of the metropolitan sports facilities commission shall receive, unless otherwise provided by other law, a salary in an amount fixed by the members of the commission and shall be reimbursed for reasonable expenses to the same extent as a member.

Sec. 44. [TEMPORARY PROVISIONS.] *The term of any department head or commissioner dealt with in this act shall expire the first Monday in January 1979, unless Minnesota Statutes provide for an earlier expiration date. In this event, the new appointment shall be made so as to expire the first Monday of January 1979.*

Any department head or commissioner dealt with in this act and serving on the effective date of this act is deemed to have been appointed in compliance with the provisions of this act.

If any position which currently bears the title of deputy loses this title pursuant to section 1, subdivision 7, or any other provision of this act, the commissioner of personnel shall assign a new title. If the position is currently in the unclassified civil service, it shall remain in the unclassified civil service, and a person who loses the title of deputy commissioner shall receive, beginning with the first day of the first payroll period after July 1, 1977, the salary he would be entitled to on that date, if his title were to remain deputy commissioner. In the event that authorized, unclassified deputy positions are not filled, the department head or commissioner may fill these positions but only as permitted by applicable personnel complement limitations. Persons who are deputy commissioners and are in the classified service in departments or agencies affected by this act shall be entitled to the benefits and protections available to persons whose positions are declassified pursuant to section 43.09, subdivision 2a.

Sec. 45. [INSTRUCTION TO REVISOR.] The revisor of statutes shall eliminate from the statutes any reference to the "secretary" or "executive officer" of the board of health or any similar title with this meaning, and shall substitute "commissioner" or "commissioner of health" as appropriate.

The revisor shall eliminate from the statutes any reference to "board of health" and shall insert in lieu thereof as appropriate "commissioner of health" or "commissioner".

The revisor shall eliminate from the statutes, except as may be provided in this act, any reference to "deputy commissioner" in the department of labor and industry and shall insert in lieu thereof as appropriate "commissioner of labor and industry" or "commissioner".

Sec. 46. [REPEALER.] Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2, are repealed.

Sec. 47. [EFFECTIVE DATE.] This act shall be effective the day following its final enactment."

Amend the title as follows:

Page 1, line 18, after the first semicolon, insert "adjusting expense reimbursement for department heads;"

Page 1, line 20, after "16.01;" insert "16.028, Subdivision 1;"

Page 1, line 21, after "3;" insert "16A.16;"

Page 1, line 22, after "45.15;" insert "60A.03, Subdivision 1;"

Page 1, line 29, delete "Subdivision 2" and insert "Subdivisions 2 and 3"

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

Senate Conferees: (Signed) David Schaaf, Winston Borden and Gene Merriam.

House Conferees: (Signed) Pete Petrafeso, Carl Johnson and Harry Sieben

Mr. Schaaf moved that the foregoing recommendations and Conference Committee Report on S. F. No. 109 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 109: A bill for an act relating to the organization of state government; providing that heads of certain departments and other governmental units of the state shall be appointed by and shall serve at the pleasure of the appointing authority; providing for the succession of commissioners; limiting the ability of former commissioners and former deputy commissioners to appear before their former agencies; defining position and duties of deputy department heads; standardizing the format and procedures relating to executive orders and reorganization orders; prescribing uses for executive orders; limiting the scope of reorganization orders; abolishing the board of health and transferring its powers to the commissioner of health; creating a health advisory council; eliminating obsolete language; amending Minnesota Statutes 1976, Sections 15.051, Subdivisions 1 and 3; 15.06; 16.01; 16.125; 16A.01, Subdivisions 2 and 3; 17.01; 43.001, Subdivisions 2 and 3; 45.02; 45.15; 84.01, Subdivision 2; 116.03, Subdivision 1; 116H.03, Subdivisions 2 and 3; 121.09; 121.16, Subdivision 1; 129A.02, Subdivision 2; 174.02, Subdivision 1; 175.001, Subdivision 1; 179.02; 196.02, Subdivision 1; 216A.06, Subdivision 1; 241.01, Subdivisions 1 and 2; 245.03; 268.12, Subdivision 1; 270.02, Subdivision 2; 298.22, Subdivision 1; 299A.01, Subdivisions 1 and 2; 362.09, Subdivision 1; 363.04, Subdivision 1; 462A.04, Subdivision 8; and Chapter 144, by adding a section; repealing Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2.

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

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

The roll was called, and there were yeas 35 and nays 14, as follows:

Those who voted in the affirmative were:

Benedict	Keefe, S.	Menning	Penny	Sikorski
Chmielewski	Kleinbaum	Milton	Perpich	Spear
Coleman	Knoll	Moe	Purfeerst	Staples
Dieterich	Laufenburger	Nichols	Schaaf	Strand
Gearty	Lessard	Ogdahl	Schmitz	Stumpf
Gunderson	Lewis	Olhoff	Schrom	Vega
Hughes	Luther	Olson	Setzepfandt	Wegener

Those who voted in the negative were:

Ashbach	Brataas	Jensen	Renneke	Ueland, A.
Bang	Engler	Knutson	Sieloff	Ulland, J.
Bernhagen	Frederick	Pillsbury	Sillers	

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

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 274 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 274

A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

May 18, 1977

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 274, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House committee amendment adopted May 6, 1977, and the first Wieser amendment adopted May 12, 1977 and the House recede from the other amendments it adopted May 12, 1977, and that S. F. No. 274 be further amended as follows:

Page 6, after line 14, of the House unofficial engrossment and before the first Wieser amendment insert

"Subd. 7. [BIG STONE STATE PARK; DELETION.] The following area is deleted from Big Stone State Park: The Northeast Quarter of the Northwest Quarter of Section 20 in Township 123 North, Range 48 West and that part of Government Lot Two (2), Section Ten (10), Township One Hundred Twenty-Two (122), Range Forty-seven (47) lying south of Highway No. 7 and west of the following described line: Commencing at a point on the Westerly boundary line of Government Lot Two (2), Section Ten (10), Township One Hundred Twenty-two (122), Range Forty-seven (47) which is 189.75 feet due South of the intersection of the Westerly boundary line of said Government Lot 2 and the Southerly right of way line of Trunk Highway No. 7; thence due East 853.3 feet to an iron stake; thence deflect to the left at a delta angle of 71 degrees 41 minutes 371.9 feet to the intersection of said line with the Southerly right of way line of said Trunk Highway No. 7 which is the starting point of said line above referred to; thence in a Southwesterly direction back along said line just described for a distance of 1081.4 feet to the shores of Big Stone Lake."

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

Senate Conferees: (Signed) George F. Perpich, Tom A. Nelson, Gerald L. Willet

House Conferees: (Signed) John T. Clawson, Richard R. Lemke, Glen H. Anderson

Mr. Perpich moved that S. F. No. 274 and the Conference Committee report thereon be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 742 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 742

A bill for an act relating to waters; allowing counties to exercise certain functions; increasing membership on the governing body of the White Bear Lake conservation district; providing for selection of board officers; amending Minnesota Statutes 1976, Section 378.32, Subdivision 1; Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

May 19, 1977

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 742 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate accede to the House amendment, and that S. F. No. 742 be further amended as follows:

Page 3, line 13 of the unofficial engrossment, following "Sec. 4." insert "*Section 1 of this act shall be effective the day following final enactment.*"

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

Senate Conferees: (Signed) John Milton, George S. Pillsbury

House Conferees: (Signed) Maurice D. McCollar, Tad Jude, Robert L. Searles

Mr. Milton moved that the foregoing recommendations and Conference Committee Report on S. F. No. 742 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 742: A bill for an act relating to waters; allowing counties to exercise certain functions; increasing membership on the governing body of the White Bear Lake conservation district; providing for selection of board officers; amending Minnesota

Statutes 1976, Section 378.32, Subdivision 1; Laws 1971, Chapter 355, Sections 2, Subdivision 2; and 8, Subdivision 1.

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

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

The roll was called, and there were yeas 41 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Jensen	Menning	Purfeerst	Strand
Bang	Keefe, S.	Milton	Renneke	Stumpf
Bernhagen	Kleinbaum	Moe	Schaaf	Ueland, A.
Brataas	Knoll	Nichols	Schmitz	Ulland, J.
Coleman	Knutson	Ogdahl	Setzepfandt	Vega
Dieterich	Laufenburger	Olhoft	Sieloff	
Engler	Lessard	Penny	Spear	
Frederick	Lewis	Perpich	Staples	
Gearty	Luther	Pillsbury	Stokowski	

Messrs. Chmielewski, Gunderson and Schrom voted in the negative.

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

Without objection, the Senate reverted to the Order of Business of Third Reading of House Bills.

THIRD READING OF HOUSE BILLS

H. F. No. 823: A bill for an act relating to public health; permitting plastic well casings; amending Minnesota Statutes 1976, Chapter 156A, by adding a section.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Lessard	Perpich	Sillers
Bang	Gunderson	Lewis	Pillsbury	Spear
Benedict	Hughes	Luther	Purfeerst	Staples
Bernhagen	Jensen	Menning	Renneke	Stokowski
Brataas	Johnson	Milton	Schaaf	Strand
Chmielewski	Keefe, S.	Moe	Schmitz	Stumpf
Coleman	Kleinbaum	Nichols	Schrom	Ueland, A.
Dieterich	Knoll	Ogdahl	Setzepfandt	Ulland, J.
Engler	Knutson	Olhoft	Sieloff	Vega
Frederick	Laufenburger	Penny	Sikorski	Wegener

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated the following bills a Special Orders Calendar to be heard immediately:

H. F. Nos. 1252 and 1631.

SPECIAL ORDER

H. F. No. 1252: 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.

Mr. Setzepfandt moved that the amendment made to H. F. No. 1252 by the Committee on Rules and Administration in the report adopted May 19, 1977, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 1252 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Hughes	Luther	Peterson	Spear
Bang	Jensen	Menning	Pillsbury	Stokowski
Benedict	Johnson	Merriam	Purfeerst	Strand
Bernhagen	Keefe, S.	Milton	Renneke	Stumpf
Chmielewski	Kirchner	Moe	Schaaf	Ueland, A.
Coleman	Kleinbaum	Nichols	Schmitz	Ulland, J.
Dieterich	Knoll	Ogdahl	Schrom	Vega
Engler	Knutson	Olhoff	Setzepfandt	Wegener
Frederick	Laufenburger	Olson	Sieloff	
Gearity	Lessard	Penny	Sikorski	
Gunderson	Lewis	Perpich	Sillers	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1631: A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

Mr. Moe moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1631 and that the rules of the Senate be so far suspended as to give H. F. No. 1631, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

Mr. Moe moved to amend H. F. No. 1631, as amended pursuant to Rule 49, adopted by the Senate May 20, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 1530.)

Page 4, after line 26, insert:

"Sec. 12. The sum of \$407,000 is appropriated to the commis-

sioner of administration from the general fund for improvements to capitol area grounds, including landscaping, exterior signage, and modification of various parking areas. Of this appropriation, \$21,000 is available for exterior signage in the capitol area as described by section 15.50, subdivision 2. The remainder shall be used in the area bounded by University Avenue, Park Street, Fuller Avenue, and Rice Street; and in the area bounded by Como Avenue, Capitol Heights, Robert Street, University Avenue, and Cedar Street.

The commissioner of administration shall landscape these areas in accordance with plans approved by the capital area architectural and planning board.

This appropriation shall not cancel but shall remain available until the project is completed."

Renumber the sections in sequence

Amend the title as follows:

Line 5, after "buildings," insert "capitol area grounds improvements;"

The motion prevailed. So the amendment was adopted.

Mr. Perpich moved to amend H. F. No. 1631, as amended pursuant to Rule 49, adopted by the Senate May 20, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 1530.)

Page 2, line 28, strike "\$500,000" and insert "\$2,000,000"

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

Mr. Milton moved to amend H. F. No. 1631, as amended pursuant to Rule 49, adopted by the Senate May 20, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 1530.)

Page 2, after line 8 insert:

"Any increase in enrollment in the schools of pharmacy and nursing shall be consistent with projected needs for pharmacists and nurses as determined by the statewide health coordinating council established pursuant to P. L. 93-641."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 6 and nays 37, as follows:

Those who voted in the affirmative were:

Coleman	Milton	Schmitz	Spear	Stumpf
Dieterich				

Those who voted in the negative were:

Ashbach	Frederick	Jensen	Knoll	Luther
Bang	Gearty	Johnson	Knutson	Menning
Chmielewski	Gunderson	Kirchner	Laufenburger	Moe
Engler	Hughes	Kleinbaum	Lessard	Nelson

Ogdahl	Peterson	Schrom	Strand	Wegener
Olhoff	Pillsbury	Setzepfandt	Ueland, A.	
Penny	Purfeerst	Sieloff	Ulland, J.	
Perpich	Renneke	Sillers	Vega	

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

Pursuant to Rule 21, Mr. Spear moved that the following members be excused for a Conference Committee on H. F. No. 6 at 1:00 p.m.:

Messrs. Spear; Keefe, J. and Laufenburger. The motion prevailed.

Mr. Knutson moved to amend H. F. No. 1631, as amended pursuant to Rule 49, adopted by the Senate May 20, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 1530.)

Pages 1 and 2, strike section 1

Renumber the remaining sections in sequence

Amend the title as follows:

Page 1, line 3, strike "prison and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 10 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Jensen	Pillsbury	Sikorski
Bang	Hughes	Knutson	Renneke	Ueland, A.

Those who voted in the negative were:

Benedict	Johnson	Menning	Peterson	Tennessen
Chmielewski	Keefe, S.	Milton	Setzepfandt	Ulland, J.
Coleman	Kirchner	Moe	Sieloff	Vega
Dieterich	Knoll	Nelson	Sillers	
Gearty	Lessard	Olson	Stokowski	
Gunderson	Lewis	Penny	Strand	
Hanson	Luther	Perpich	Stumpf	

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

H. F. No. 1631 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 44 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Hughes	Kleinbaum	Luther
Bang	Engler	Jensen	Knoll	Menning
Benedict	Gearty	Johnson	Knutson	Milton
Chmielewski	Gunderson	Keefe, S.	Lessard	Moe
Coleman	Hanson	Kirchner	Lewis	Nelson

Ogdahl	Peterson	Schmitz	Sillers	Ulland, J.
Olson	Pillsbury	Schrom	Stokowski	Vega
Penny	Purfeerst	Setzepfandt	Strand	Wegener
Perpich	Renneke	Sieloff	Ueland, A.	

Messrs. Davies, Sikorski, Stumpf and Tennesen voted in the negative.

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

RECESS

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

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

Pursuant to Rule 21, Mr. Anderson moved that the following members be excused for a Conference Committee on H. F. No. 522 at 12:00 noon:

Messrs. Anderson, Bernhagen and Mrs. Staples. The motion prevailed.

CALL OF THE SENATE

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

Ashbach	Hanson	Knutson	Ogdahl	Sieloff
Bang	Hughes	Lessard	Olhoft	Sikorski
Chenoweth	Johnson	Luther	Penny	Solon
Coleman	Keefe, S.	Menning	Peterson	Stokowski
Davies	Kirchner	Milton	Purfeerst	Stumpf
Engler	Kleinbaum	Moe	Schaaf	Ulland, J.
Gearty	Knoll	Nelson	Schrom	Vega

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

Without objection, the Senate reverted to the Order of Business of Reports of Committees and Second Reading of House Bills.

REPORTS OF COMMITTEES

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

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

H. F. No. 1276 for comparison to 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.
1276	1199				

Pursuant to Rule 49 the Committee on Rules and Administration recommends that H. F. No. 1276 be amended as follows:

Strike everything after the enacting clause and insert

"Section 1. [RE-APPROPRIATION.] Of the sum of \$400,000 appropriated from the general fund by Laws 1976, Chapter 305, Section 9, for pilot dental health programs, the unexpended balance is hereby reappropriated to the commissioner of public welfare for the biennium ending June 30, 1979, for continuation of the pilot dental health programs. \$60,000 of the \$400,000 appropriation may be used for administrative purposes by the commissioner of public welfare for the purposes of this act.

Sec. 2. [REPEALER.] Laws 1976, Chapter 305, Section 10, is repealed."

Further, strike the title and insert

"A bill for an act relating to public welfare; providing for pilot dental health programs; providing money; repealing Laws 1976, Chapter 305, Section 10."

And when so amended, H. F. No. 1276 will be identical to S. F. No. 1199 and further recommends that H. F. No. 1276 be given its second reading and substituted for S. F. No. 1199 and that the Senate File be indefinitely postponed.

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

SECOND READING OF HOUSE BILLS

H. F. No. 1276 was read the second time.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 381 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 381

A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

May 19, 1977

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 381 report that we have agreed upon the items in dispute and recommend as follows:

That S. F. No. 381 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 97.56, is amended to read:

97.56 [REMOVAL OF BEAVER FROM STATE-OWNED LANDS.] In any county in the state where the board of county commissioners shall have ~~unanimously requested by resolution request~~ him to do so, the commissioner of natural resources shall ~~may~~ take necessary steps to remove beaver, at state expense, from state owned lands located in that county.

Sec. 2. Minnesota Statutes 1976, Section 98.46, Subdivision 2, is amended to read:

Subd. 2. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To take small game, \$5;
- (2) To take deer or bear, or both, with firearms during the period in which the licensee may take deer, \$10;
- (3) To take deer or bear, or both, with bow and arrow during the period in which the licensee may take deer, \$10;
- (4) To take fish by angling, \$5;
- (5) Combination husband and wife, to take fish by angling, \$8;
- (6) To take moose, \$100 for an individual or for a party of not to exceed four persons;
- (7) To take bear only, \$7.50 ;
- (8) *To take turkeys, \$10, in addition to a small game license .*

Sec. 3. Minnesota Statutes 1976, Section 98.46, Subdivision 2a, is amended to read:

Subd. 2a. The commissioner of natural resources ~~may shall~~ issue Minnesota sportsman licenses ~~by March 1, 1978 .~~ The licenses shall be issued to residents only. The fee for licenses shall be \$17 \$9 if the angling license is for one person and ~~\$19~~ \$12 if the angling license is a combination husband and wife license. These fees do not include the surcharge authorized pursuant to section 97.482.

The license shall authorize the licensee to:

- (1) Take small game;

(2) Take fish by angling ;

(3) Take deer or bear with firearms during the period in which the licensee may take deer; or take deer or bear with bow and arrow during the period in which the licensee may take deer. *The game and fish subcommittee of the house of representatives and the fish and wildlife subcommittee of the senate shall study the feasibility of other combinations for sportsman's licenses prior to January 1, 1978.*

Sec. 4. Minnesota Statutes 1976, Section 98.46, Subdivision 14, is amended to read:

Subd. 14. Fees for the following licenses, to be issued to non-residents, shall be:

(1) To take small game and unprotected quadrupeds with firearms and bow and arrows, \$25;

(2) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with firearms and bow and arrows, \$60;

(3) To take deer and bear during the period in which the licensee may take deer, and unprotected quadrupeds with a bow and arrows only, \$25;

(4) To take bear, \$25.25 ;

(5) *To take turkeys, \$30, in addition to a small game license.*

Sec. 5. Minnesota Statutes 1976, Section 98.46, Subdivision 21, is amended to read:

Subd. 21. The commissioner may by order require every licensee to tag at the place where trapped, beaver, *fisher* or otter. The tag will be of a type prescribed by the commissioner and bearing the license number of the owner and the year of its issue. Tags will be issued with the license at no additional cost. *During the calendar years 1977 and 1978 the commissioner shall require the tagging of fisher in the manner designated in this subdivision.*

Sec. 6. Minnesota Statutes 1976, Section 98.50, Subdivision 5, is amended to read:

Subd. 5. Any resident desiring to sell the licenses referred to in subdivision 1 may either purchase for cash or obtain on consignment license blanks from a county auditor in groups of not less than five non-resident, and ten resident license blanks. In addition to the basic license fee, he shall collect a fee for issuing each license in the amount of 75 cents for the license to take deer *and for the sportsman license authorized in section 98.46, subdivision 2a*, and 50 cents for all other licenses. In selling such licenses, he shall be deemed an agent of the county auditor and the commissioner, and he shall observe all rules and regulations promulgated by the commissioner for the accounting for and handling of such licenses.

The county auditor shall promptly deposit all moneys received

from the sale of licenses with the county treasurer, and shall promptly transmit such reports as may be required by the commissioner, together with his warrant on the county treasurer for 100 percent of the surcharge imposed by section 97.482 plus 96 percent of the price to the licensee, exclusively of said surcharge and the issuing fee, for each license sold or consigned by him and subsequently sold to a licensee during the accounting period. The county auditor shall retain as his commission four percent of all license fees, excluding issuing fees for licenses consigned to subagents. In addition, for licenses sold for cash directly to the licensee, the auditor shall collect the same issuing fee as a subagent. Unsold license blanks in the hands of any agent shall be redeemed by the commissioner if presented for redemption within the time prescribed by the commissioner therefor. Any license blanks not presented for redemption within the period prescribed shall be conclusively presumed to have been sold, and the agent possessing the same or to whom they are charged shall be accountable therefor. The commissioner shall collect the same issuing fee as a subagent for licenses sold directly through a license distribution center operated by the department of natural resources. The issuing fees so collected by the commissioner shall be credited to the game and fish fund.

Sec. 7. Minnesota Statutes 1976, Chapter 98, is amended by adding a section to read:

[98.501] [AGENTS FEE.] *The basic license fee for each license referred to in section 98.50, subdivision 1, shall be increased by the amount of the seller's fee permitted by section 98.50, subdivision 5, for that particular license. The seller shall collect his fee by retaining the permitted fee from the purchase price of a license. Each license shall contain an explanation of the amount of the license fee which is retained by the seller of the license as his fee.*

Sec. 8. Minnesota Statutes 1976, Section 100.26, Subdivision 1, is amended to read:

100.26 [UNPROTECTED ANIMALS.] Subdivision 1. Weasel, beaver, coyote (brush wolf), ~~fox~~, gopher, porcupine, badger, and all other quadrupeds for which no closed season or other protection is accorded by chapters 97 to 102, are unprotected animals and may be taken either in the daytime or at night, and in any manner, except with the aid of artificial lights, and possessed, bought, sold or transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, except in the manner authorized by sections 18.021 to 18.035 section 18.022. It shall be unlawful to intentionally drive, chase, run over or kill with any motor propelled vehicle any unprotected animals. The taking of any species of bear may be permitted by order of the commissioner without a license therefor in such areas of the state and during such periods as he may deem necessary, upon a determination that the predation of bear represents a threat to livestock or other property. No fox may be removed from a den or trapped within 300 feet of a fox den during the period beginning April 1 and ending August 31 of

each year. No person may sell live fox without a permit from the commissioner authorizing the sale of fox.

Sec. 9. Minnesota Statutes 1976, Section 100.27, Subdivision 1, is amended to read:

100.27 [SEASONS.] Subdivision 1. Except as otherwise specifically provided, there shall be no open season on elk, caribou, antelope, marten, fisher, or wolverine, or wild turkeys.

Sec. 10. Minnesota Statutes 1976, Section 100.27, Subdivision 3, is amended to read:

Subd. 3. The commissioner shall prescribe by order the areas within the state and any other restrictions under which the following animals may be taken and possessed, subject to all other provisions of chapters 97 to 102, between the dates, if any, set opposite the species:

(1) Grey and fox squirrels, October 15 and December 31 statewide; and during such any other times, within such any areas, and subject to such any other restrictions as the commissioner by order may prescribe;

(2) Jack rabbits, cottontail rabbits and varying hare or snowshoe rabbits, September 16 and March 1;

(3) Raccoon may be taken and possessed, subject to the provisions of chapters 97 to 102 and the restrictions imposed by order of the commissioner between, October 15 and December 31 statewide. Notwithstanding the restrictions imposed by this subdivision, raccoon may be treed without being taken by the use of dogs at any time during the year, except for those restrictions found in section 100.29, subdivision 20;

(4) Lynx, or bobcat with the length of the season, if any, for either species determined by the commissioner based upon population estimates of lynx either species within the state;

(5) Fox, provided that no fox may be removed from a den or trapped within 300 feet of a fox den during the period from April 1 and ending August 31 of each year;

(6) Fisher.

Sec. 11. Minnesota Statutes 1976, Section 100.27, Subdivision 4, is amended to read:

Subd. 4. Muskrats may be taken for a period not exceeding 60 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in such the areas of the state and, during such the times between November 1st and April 30th of the following year and subject to such regulations as any other restrictions which the commissioner shall prescribe, between November 1 and April 30 following; and Beaver may be taken, by trapping only, for a period, or periods, not exceeding a total of 45 days, in such the areas of the state and, during such the times between December 1st and April 30th of the following year and subject to such

regulations as any other restrictions which the commissioner shall prescribe ; between November 1 and May 31 following; provided that during the calendar year 1975 there shall be no season open for the taking of beaver in that portion of the state lying northerly and easterly of a line commencing at the intersection of state trunk highway numbered 71 and the Canadian border and running southerly along state trunk highway numbered 71 to its intersection with state trunk highway numbered 6; thence southerly along state trunk highway numbered 6 to its intersection with state trunk highway numbered 18; thence easterly along state trunk highway numbered 18 to its intersection with state highway numbered 23; thence northeasterly along state trunk highway numbered 23 to Duluth except Pine county; provided further that in the portion of the state lying northerly and easterly of the line previously described that beaver may be taken in the calendar year 1976 and following, in the manner and subject to regulations described above, but only for a period, or periods, not exceeding a total of 45 days between November 1 and May 31 following .

Sec. 12. Minnesota Statutes 1976, Section 100.27, Subdivision 5, is amended to read:

Subd. 5. Except as otherwise expressly provided, quail, partridges or ruffed grouse, Canada spruce grouse, pheasants, prairie chicken or pinnated grouse, white breasted or sharp tailed grouse, Hungarian partridge or , chukar partridge, or turkeys (*meleagris gallopavo*) may be taken and possessed, subject to all other provisions of chapters 97 to 102, only in such the areas of the state and during such the times between September 16 and December 31, as which the commissioner shall prescribe. *The commissioner may by order prescribe an additional period for the taking of turkeys in the spring.*

Sec. 13. Minnesota Statutes 1976, Section 100.27, Subdivision 7, is amended to read:

Subd. 7. Badger, Mink, squirrels, rabbits, hares, raccoon, lynx, bobcat, fox, or beaver may taken in any manner, except by poison, or artificial lights in closed season, by the actual occupant or owner of any land whereon the animals so killed are causing any damage or injury. Upon so killing any such animals, *other than squirrels, rabbits, and hares*, the entire carcass, including the hide, shall be turned over and surrendered to the nearest conservation officer or employee of the division within 24 hours of the time *such* the animal was killed.

Sec. 14. Minnesota Statutes 1976, Section 100.28, Subdivision 1, is amended to read:

100.28 [LIMITS.] Subdivision 1. Not more than one deer or ten beaver shall be taken by any licensee during any one year.

Sec. 15. Minnesota Statutes 1976, Section 100.29, Subdivision 1, is amended to read:

100.29 [RESTRICTIONS AND PROHIBITIONS.] Subdivision 1. It shall be unlawful to take protected wild animals, except

raccoon, with the use of a gun or bow and arrows between sunset and one-half hour before sunrise. *It shall be unlawful to take pheasants between sunset and 9 a.m.*

Sec. 16. Minnesota Statutes 1976, Section 101.42, Subdivision 8, is amended to read:

Subd. 8. Except as otherwise specifically permitted, it shall be unlawful to take trout, except lake trout, on the opening day of the season prior to the hour of 10:00 A.M., Central Standard Time, or on any other day of the open season, between 11:00 P.M., Central Standard Time, 11 p.m. and one hour before sunrise.

Sec. 17. Laws 1961, Chapter 66, Section 1, as amended by Laws 1971, Chapter 867, Section 1, is amended to read:

Section 1. [GAME AND FISH; SMALL GAME HUNTING LICENSES; WILDLIFE DEVELOPMENT, EXTENSION OF PROGRAM.] The provisions of Laws 1957, Chapter 644, Sections 1 to 4 appearing in Minnesota Statutes 1960 1976 as Sections 97.481 to 97.484 inclusive, shall continue in effect until December 31, 1978 February 28, 1985, notwithstanding any provision of Laws 1957, Chapter 644, Section 5, to the contrary.

Sec. 18. *Minnesota Statutes 1976, Section 348.071, is repealed.*

Sec. 19. *Sections 1 and 16 are effective the day following final enactment. Section 7 is effective March 1, 1978."*

Further, delete the title and insert:

"A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the tagging of fisher; including the agent's fees within certain license fees; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; prohibiting the taking of pheasants between sunset and 9 a.m.; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, 14, and 21; 98.50, Subdivision 5; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 100.29, Subdivision 1; 101.42, Subdivision 8; Chapter 98, by adding a section; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071."

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

Senate Conferees: (Signed) Collin C. Peterson, Jim Nichols and John Bernhagen.

House Conferees: (Signed) Leo Reding, Joseph Begich and Glen Anderson.

Mr. Peterson moved that the foregoing recommendations and Conference Committee Report on S. F. No. 381 be now adopted, and that the bill be repassed as amended by the Conference Com-

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

S. F. No. 381: A bill for an act relating to game and fish; changing the commissioner's duties in the removal of beaver; authorizing seasons for taking bobcat, fisher, fox, and wild turkey; requiring the commissioner to issue sportsman's licenses; extending the season and eliminating the annual limit for taking beaver; changing the hours for taking trout; extending the surcharge on small game licenses; amending Minnesota Statutes 1976, Sections 97.56; 98.46, Subdivisions 2, 2a, and 14; 100.26, Subdivision 1; 100.27, Subdivisions 1, 3, 4, 5, and 7; 100.28, Subdivision 1; 101.42, Subdivision 8; and Laws 1961, Chapter 66, Section 1, as amended; repealing Minnesota Statutes 1976, Section 348.071.

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

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

The roll was called, and there were yeas 34 and nays 6, as follows:

Those who voted in the affirmative were:

Ashbach	Johnson	Nelson	Pillsbury	Solon
Bang	Kirchner	Nichols	Purfeerst	Stokowski
Chmielewski	Kleinbaum	Ogdahl	Schmitz	Strand
Coleman	Knoll	Olson	Schrom	Ulland, J.
Engler	Lessard	Penny	Setzenfandt	Vega
Gearty	Luther	Perpich	Sieloff	Wegener
Hanson	Moe	Peterson	Sikorski	

Those who voted in the negative were:

Dieterich	Keefe, S.	Lewis	Stumpf	Tennessee
Hughes				

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

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 583 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S. F. NO. 583

A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

May 19, 1977

The Honorable Edward J. Gearty
President of the Senate

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

We, the undersigned conferees for S. F. No. 583 report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 583 be amended as follows:

Page 3, after line 22, insert a new section to read:

"Sec. 2. Subdivision 1. On or before March 15 of each year each insurer providing product liability insurance or excess insurance above self-insured retention to one or more manufacturers, sellers or distributors in this state, shall file with the commissioner of insurance a report of the product liability claims made against its insureds, resident or located in Minnesota, which have been closed during the one year period ending December 31 of the previous year, provided, however, that this subdivision shall not require reporting of any information regarding claims closed prior to June 30, 1977. This report shall contain, but need not be limited to, the following information: the total number of product liability claims, broken down by the type or category of claims, and the total amount paid in settlement or discharge of the claims for each type of category of claims.

Subd. 2. On or before March 15 of each year each insurer providing product liability insurance or excess insurance above self-insured retention to one or more manufacturers, sellers or distributors in this state shall file with the commissioner of insurance a report containing the following information for the one year period ending December 31 of the previous year, provided, however, that information for the period preceding June 30, 1977 need not be reported:

(a) The total amount of premiums received from insured persons, resident or located in Minnesota, which are attributable to product liability insurance;

(b) The total number of persons, resident or located in Minnesota, for which the insurer provided products liability insurance; and

(c) The total number of persons, resident or located in Minnesota, whose product liability insurance coverage the insurer cancelled or refused to renew and the reasons therefor.

Any manufacturer, seller or distributor which is self insured shall be considered to be an insurer for the purposes of this section and shall comply with the reporting requirements of this section, and any data reported by a self-insured person pursuant to this section may be reported by the commissioner only in the form of summary data, as defined in Minnesota Statutes, Section 15.162, Subdivision 9.

Subd. 3. This section expires April 1, 1979."

Renumber the remaining sections

Further amend the title as follows:

Page 1, line 4, after the semicolon insert "providing for the re-

porting of certain claims and other information to the commissioner of insurance;"

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

Senate Conferees: (Signed) Sam Solon, Allan Spear and Jack Davies.

House Conferees: (Signed) M. B. Nelsen, Lyle Abeln and O. J. Heinitz.

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on S. F. No. 583 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 583: A bill for an act relating to insurance companies; prescribing penalties for violation of certain filing requirements; amending Minnesota Statutes 1976, Chapter 72A, by adding a section; repealing Minnesota Statutes 1976, Section 72A.06.

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

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

The roll was called, and there were yeas 37 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Johnson	Nelson	Schmitz	Stumpf
Bang	Keefe, S.	Ogdahl	Schrom	Tennessen
Chmielewski	Kleinbaum	Olson	Setzenfandt	Ulland, J.
Coleman	Knoll	Penny	Sieloff	Vega
Dieterich	Lessard	Perpich	Sikorski	Wegener
Engler	Lewis	Peterson	Solon	
Gearty	Luther	Pillsbury	Stokowski	
Hughes	Moe	Purfeerst	Strand	

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Perpich moved that S. F. No. 274 be taken from the table. The motion prevailed.

Mr. Perpich moved that the recommendations and Conference Committee Report on S. F. No. 274 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 274: A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks; authorizing land acquisition in relation thereto; amending Laws 1945, Chapter 484, Section 1, as amended.

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

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

The roll was called, and there were yeas 44 and nays 1, as follows:

Those who voted in the affirmative were:

Benedict	Jensen	Lewis	Peterson	Staples
Bernhagen	Johnson	Luther	Pillsbury	Stokowski
Brataas	Keefe, J.	Menning	Renneke	Strand
Chmielewski	Keefe, S.	Milton	Schmitz	Tennessen
Coleman	Kirchner	Moe	Setzepfandt	Ulland, J.
Dieterich	Kleinbaum	Nelson	Sieloff	Vega
Engler	Knoll	Olhoff	Sikorski	Wegener
Gearty	Knutson	Olson	Sillers	Willet
Hanson	Laufenburger	Perpich	Spear	

Mr. Frederick voted in the negative.

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

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

H. F. No. 611: A bill for an act relating to retirement; date for payment of monthly annuities and benefits; additional lump sum payments to certain retirees; disabilitants and surviving spouses; amending Minnesota Statutes 1976, Chapter 356, by adding a section; Sections 352.01, Subdivision 21; and 354.46, Subdivision 3.

Mr. Ulland, J. moved to amend H. F. No. 611, as follows:

Page 5, after line 4, insert

"Sec. 6. [LIMITATION ON PUBLIC PENSIONS.] *Notwithstanding any general or special law or any article of incorporation or bylaw provision to the contrary, no employee contribution to any of the covered retirement funds enumerated in Minnesota Statutes, Section 356.30, Subdivision 3 shall be made upon any portion of an employee's salary in excess of \$25,000 in any year. Employer contributions shall continue to be made upon an employee's actual salary. Savings accruing to a covered retirement fund pursuant to this section shall be placed in a special fund or account by the appropriate governing board and utilized for the payment of retirement annuities, disability benefits and survivor benefits to retirees, disabilitants and survivors who are receiving or shall hereafter receive annuities or benefits under the law in effect prior to the determinand date specified in Minnesota Statutes, Section 356.35, Subdivision 2.*"

Renumber the remaining section

Further, amend the title in line 5 after the semicolon by inserting "limiting employee contributions to public retirement plans;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 11 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Kirchner	Pillsbury	Sieloff
Bang	Jensen	Knutson	Renneke	Ulland, J.
Bernhagen				

Those who voted in the negative were:

Benedict	Keefe, S.	Menning	Purfeerst	Strand
Chmielewski	Kleinbaum	Milton	Schaaf	Stumpf
Coleman	Knoll	Moe	Schmitz	Tennessen
Dieterich	Laufenburger	Nelson	Setzeppandt	Vega
Garty	Lessard	Ogdahl	Sikorski	Wegener
Gunderson	Lewis	Olson	Spear	
Hanson	Luther	Perpich	Staples	
Johnson	McCutcheon	Peterson	Stokowski	

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

H. F. No. 611 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Luther	Peterson	Staples
Ashbach	Hanson	McCutcheon	Pillsbury	Stokowski
Bang	Jensen	Menning	Purfeerst	Strand
Benedict	Johnson	Milton	Renneke	Stumpf
Bernhagen	Keefe, S.	Moe	Schaaf	Tennessen
Borden	Kleinbaum	Nelson	Schmitz	Ulland, J.
Brataas	Knoll	Ogdahl	Setzeppandt	Vega
Chmielewski	Knutson	Olthoff	Sieloff	Wegener
Dieterich	Laufenburger	Olson	Sikorski	
Engler	Lessard	Penny	Sillers	
Garty	Lewis	Perpich	Spear	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1052: A bill for an act relating to human services; providing grants to plan and organize human services programs; requiring notification of affected state agencies; requiring certain membership on advisory councils; promulgating rules; providing for auditing of funds; giving additional powers to the state planning officer; appropriating money; amending Minnesota Statutes 1976, Sections 402.01, by adding a subdivision; 402.02, Subdivisions 1 and 2; 402.03; 402.04, Subdivision 1; 402.05; and 402.06; repealing Minnesota Statutes 1976, Sections 402.08 and 402.09.

Mr. Olson moved that the amendment made to H. F. No. 1052 by the Committee on Rules and Administration in the report

adopted May 18, 1977, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

H. F. No. 1052 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Perpich	Sillers
Ashbach	Gunderson	Luther	Peterson	Spear
Bang	Hanson	Menning	Pillsbury	Staples
Benedict	Hughes	Milton	Purfeerst	Stokowski
Bernhagen	Jensen	Moe	Renneke	Strand
Brataas	Johnson	Nelson	Schaaaf	Stumpf
Chmielewski	Keefe, J.	Nichols	Schmitz	Tennessen
Coleman	Kirchner	Olhoft	Setzepfandt	Ulland, J.
Dieterich	Knoll	Olson	Sieloff	Vega
Engler	Knutson	Penny	Sikorski	Wegener

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 962: A bill for an act relating to appropriations; abolishing open appropriations for various purposes; providing direct appropriations for debt service and for other purposes previously supported by open appropriations; amending Minnesota Statutes 1976, Sections 16.023; 16A.27; 43.12, Subdivision 11; 84B.07; 136A.08, Subdivisions 1 and 2; 176.183, Subdivision 2; 192.52; 268.06, Subdivision 25; 299D.03, Subdivision 1; 351.11; 352E.02; 481.15, Subdivision 2; and Laws 1973, Chapter 567, Section 7; repealing Minnesota Statutes 1976, Sections 124.23; 136.508; 261.233; 252E.05; 355.31 to 355.39.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	McCutcheon	Pillsbury	Staples
Bang	Hanson	Milton	Purfeerst	Stokowski
Benedict	Hughes	Moe	Renneke	Strand
Bernhagen	Johnson	Nelson	Schmitz	Stumpf
Brataas	Keefe, J.	Nichols	Setzepfandt	Tennessen
Chmielewski	Knoll	Ogdahl	Sieloff	Ulland, J.
Coleman	Laufenburger	Olhoft	Sikorski	Vega
Dieterich	Lessard	Penny	Sillers	Wegener
Engler	Luther	Peterson	Spear	

So the bill passed and its title was agreed to.

Mr. Knoll moved that S. F. No. 1339, No. 4 on Special Orders, be stricken and returned to its author. The motion prevailed.

SPECIAL ORDER

H. F. No. 772: A bill for an act relating to state contracts; regulating bid and performance bonds for small businesses and minority small business; appropriating money; amending Minnesota Statutes 1976, Chapter 574, by adding a section.

SUSPENSION OF RULES

Mr. Knoll moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 772 and that the rules of the Senate be so far suspended as to give H. F. No. 772, now on Special Orders its third reading and place it on its final passage. The motion prevailed.

H. F. No. 772 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	McCutcheon	Pillsbury	Stokowski
Ashbach	Hughes	Menning	Purfeerst	Strand
Bang	Johnson	Milton	Renneke	Stumpf
Benedict	Keefe, J.	Moe	Schaaf	Tennessen
Chmielewski	Kleinbaum	Nelson	Schmitz	Ueland, A.
Coleman	Knoll	Nichols	Setzepfandt	Ulland, J.
Dieterich	Knutson	Olhoff	Sieloff	Vega
Engler	Laufenburger	Olson	Sikorski	Wegener
Gearty	Lessard	Penny	Sillers	
Gunderson	Luther	Perpich	Staples	

So the bill passed and its title was agreed to.

Pursuant to Rule 21, Mr. Tennessen moved that the following members be excused for a Conference Committee on H. F. No. 1054:

Messrs. Tennessen, Perpich and Renneke. The motion prevailed.

Pursuant to Rule 21, Mr. Kleinbaum moved that the following members be excused for a Conference Committee on H. F. No. 1610:

Messrs. Kleinbaum, Schaaf, Purfeerst and Ogdahl. The motion prevailed.

Pursuant to Rule 21, Mr. Ulland, J. moved that the following members be excused for a Conference Committee on S. F. No. 1349 from 2:30 to 3:30 p.m.:

Messrs. Ulland, J.; Schaaf and Sikorski. The motion prevailed.

MEMBERS EXCUSED

Mr. Setzepfandt was excused from today's Session at 3:15 o'clock p.m.

SPECIAL ORDER

H. F. No. 937: A bill for act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation; amending Laws 1974, Chapter 435, Section 1.0205.

Mr. Stumpf moved to amend H. F. No. 937 as follows:

Page 13, after line 8, insert:

"Sec. 3. Notwithstanding any other law or charter provision to the contrary, commencing with the budget year starting January 1, 1978, and continuing thereafter, the expense of keeping the court house and city hall for the county of Ramsey and city of Saint Paul in normal repair and the necessary expense of heating and maintaining the same shall be paid by the county of Ramsey and the city of Saint Paul based upon their respective exclusive usage or occupancy of the building. No later than September 1 of each year the joint court house and city hall committee shall determine the proportionate square foot exclusive usage or occupancy of the building by the county and city respectively and shall submit this determination to the county board and city council together with the recommended annual budget for the next year's expenses."

Page 13, line 9, strike "This act is" and insert "Sections 1 and 2 are"

Page 13, line 11, after the period, insert "Section 3 is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Line 2, after "county" insert "and the city of St Paul"

Line 4, after "recreation;" insert "providing for a division of costs between the county of Ramsey and the city of St. Paul to maintain the joint court house and city hall;"

The motion prevailed. So the amendment was adopted.

H. F. No. 937 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Knoll	Nichols	Sillers
Ashbach	Engler	Knutson	Olhoft	Staples
Bang	Gearty	Laufenburger	Olson	Stokowski
Benedict	Gunderson	Lessard	Penny	Strand
Bernhagen	Hanson	Luther	Peterson	Stumpf
Brataas	Hughes	Menning	Purfeerst	Ulland, J.
Chenoweth	Johnson	Milton	Schmitz	Vega
Chmielewski	Keefe, J.	Moe	Setzepfandt	Wegener
Davies	Kleinbaum	Nelson	Sieloff	

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

SPECIAL ORDER

H. F. No. 462: A bill for an act relating to public health; requiring the provision of health record information to certain persons; requiring the transfer of health records under certain conditions; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Mr. Milton moved to amend the amendment placed on H. F. No. 462 by the Committee on Judiciary, adopted by the Senate May 10, 1977, as follows:

Section 1, subdivision 2, line 1, strike "*Except as otherwise provided*"

Section 1, subdivision 2, line 2, strike "*by law,*"

Section 1, subdivision 2, line 3, strike "*provided*" and insert "*provider*"

Section 1, subdivision 2, line 6, strike "*for information*"

Section 1, subdivision 2, line 7, strike "*the expense of*" and insert "*a reasonable cost to*"

Section 1, subdivision 2, line 19, strike "*provided*" and insert "*provider*"

After section 1, subdivision 3, insert:

"Subd. 4. [ADDITIONAL PATIENT RIGHTS.] The rights set forth in this section are in addition to the rights set forth in sections 144.651 and 144.652 and any other provision of law relating to the access of a patient to his health records."

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

H. F. No. 462 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 36 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Gearly	Luther	Penny	Stumpf
Benedict	Gunderson	Menning	Peterson	Tennessen
Chenoweth	Hughes	Merriam	Renneke	Ulland, J.
Coleman	Johnson	Milton	Schmitz	Vega
Davies	Keefe, J.	Moe	Sieloff	
Dieterich	Keefe, S.	Nelson	Sillers	
Dunn	Knoll	Nichols	Stokowski	
Engler	Laufenburger	Olson	Strand	

Those who voted in the negative were:

Ashbach	Bernhagen	Knutson	Purfeerst	Wegener
Bang	Brataas	Pillsbury	Ueland, A.	

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

Pursuant to Rule 21, Mr. Tennesen moved that the following members be excused for a Conference Committee on H. F. No. 415 at 4:00 p.m.:

Messrs. Tennesen; Nelson; Keefe, J.; Merriam and Davies. The motion prevailed.

Pursuant to Rule 21, Mr. Nelson moved that the following members be excused for a Conference Committee on S. F. No. 1337 at 4:00 p.m.:

Messrs. Nelson, Coleman, Moe, Penny and Ogdahl. The motion prevailed.

Pursuant to Rule 21, Mr. Setzepfandt moved that the following members be excused for a Conference Committee on S. F. No. 73 at 4:00 p.m.:

Messrs. Strand, Nichols, Setzepfandt, Renneke and Hanson. The motion prevailed.

Pursuant to Rule 21, Mr. Anderson moved that the following members be excused for a Conference Committee on H. F. No. 522 at 6:00 p.m.:

Mr. Anderson, Mrs. Staples and Mr. Bernhagen. The motion prevailed.

SPECIAL ORDER

H. F. No. 818: A bill for an act relating to highway traffic regulations; implements of husbandry; restricting the speed of certain implements of husbandry on the highways; providing a penalty; amending Minnesota Statutes 1976, Chapter 169, by adding a section.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 38 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Keefe, S.	Pillsbury	Strand
Ashbach	Dunn	Knutson	Purfeerst	Stumpf
Bang	Engler	Laufenburger	Renneke	Tennesen
Benedict	Frederick	Luther	Schmitz	Ueland, A.
Bernhagen	Gearty	Menning	Sieloff	Ulland, J.
Brataas	Gunderson	Nelson	Sikorski	Wegener
Chenoweth	Hughes	Nichols	Sillers	
Davies	Johnson	Penny	Stokowski	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1060: A bill for an act relating to education; loans to medical students; changing requirements for loan forgiveness and limitations on loan amounts; amending Minnesota Statutes 1976, Sections 147.30 and 147.31.

Mr. Dieterich moved to amend H. F. No. 1060, as amended pursuant to Rule 49, adopted by the Senate May 19, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 227.)

Page 1, line 22, after the period insert *"In selecting recipients, the higher education coordinating board shall not discriminate against any applicant based on residence in an urban area prior to or at the time of application."*

The motion prevailed. So the amendment was adopted.

H. F. No. 1060 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 36 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	McCutcheon	Schrom	Ueland, A.
Bang	Gearly	Menning	Sieloff	Ueland, J.
Bernhagen	Gunderson	Milton	Sikoraki	Vega
Brataas	Hughes	Nelson	Sillers	Wegener
Coleman	Johnson	Penny	Staples	
Davies	Keefe, S.	Pillsbury	Stokowski	
Dieterich	Laufenburger	Renneke	Strand	
Dunn	Luther	Schmitz	Stumpf	

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

SPECIAL ORDER

H. F. No. 938: A bill for an act relating to Ramsey county and the city of Saint Paul; providing for construction of necessary highway improvements; apportioning costs; prescribing certain limitations; amending Laws 1974, Chapter 435, Section 1.0200, as amended.

Mr. Dieterich moved to amend H. F. No. 938, as amended pursuant to Rule 49, adopted by the Senate May 18, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 958.)

Strike the amendments to page 1, and to page 2, line 1, made pursuant to Rule 49.

The motion prevailed. So the amendment was adopted.

H. F. No. 938 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 36 and nays 0, as follows:

Those who voted in the affirmative were:

Benedict	Johnson	Menning	Renneke	Tennesen
Bernhagen	Keefe, J.	Nelson	Schrom	Ueland, A.
Dieterich	Keefe, S.	Nichols	Sieloff	Ulland, J.
Dunn	Knoll	Olhoff	Sikorski	Vega
Gearty	Laufenburger	Olson	Staples	
Gunderson	Lewis	Penny	Stokowski	
Hanson	Luther	Perpich	Strand	
Hughes	McCutcheon	Pillsbury	Stumpf	

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

SPECIAL ORDER

H. F. No. 167: A bill for an act relating to public welfare; providing liability insurance to all foster boarding homes licensed by the department of public welfare; appropriating money; amending Minnesota Statutes 1976, Chapter 245, by adding a section.

Mrs. Staples moved to amend H. F. No. 167, as amended pursuant to Rule 49, adopted by the Senate May 19, 1977, as follows:

(The text of the amended House File is identical to S. F. No. 1486.)

Page 1, line 14, strike "acts of their" and insert a colon

Page 1, line 15, strike "foster children residing in" and insert:

"(1) injuries or property damage caused or sustained by foster children in their homes; and

(2) actions arising out of alienation of affections sustained by the natural parents of a foster child. Coverage shall apply to all"

The motion prevailed. So the amendment was adopted.

H. F. No. 167 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Laufenburger	Penny	Sillers
Ashbach	Dieterich	Lewis	Perpich	Staples
Bang	Gearty	Luther	Peterson	Stokowski
Benedict	Hanson	McCutcheon	Pillsbury	Stumpf
Bernhagen	Hughes	Menning	Renneke	Tennesen
Brataas	Johnson	Moe	Schmitz	Ueland, A.
Chenoweth	Keefe, J.	Nelson	Setzepfandt	Ulland, J.
Chmielewski	Keefe, S.	Olhoff	Sieloff	Vega
Coleman	Knoll	Olson	Sikorski	

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

SPECIAL ORDER

H. F. No. 1040: A bill for an act relating to finance; deleting obsolete provisions; changing and clarifying cross-references; authorizing commissioner of finance to transfer money to revolving funds in certain cases; transferring air travel account from commissioner of administration to commissioner of finance; codifying certain provisions formerly in session laws; appropriating money; amending Minnesota Statutes 1976, Sections 12.24, Subdivision 2; 15.50, Subdivision 5; 16.172; 16.80, Subdivision 1; 16A.126; 16A.17, Subdivision 9; 18.69; 43.43, Subdivision 2; 121.48, Subdivision 2; 124.212, Subdivision 19; 136.11, Subdivision 5; 136.144; 136.37; 136.55, Subdivision 2; and Chapters 16A, by adding a section; and 243, by adding a section; repealing Minnesota Statutes 1976, Sections 16.02, Subdivision 21; 16.026, Subdivision 5; and 16A.05; and Laws 1945, Chapter 575, Sections 19 and 21.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 2, as follows:

Those who voted in the affirmative were:

Bang	Gearty	Luther	Pillsbury	Stumpf
Benedict	Hanson	McCutcheon	Renneke	Tennessen
Bernhagen	Hughes	Moe	Schmitz	Ueland, A.
Brataas	Johnson	Nelson	Setzepfandt	Ulland, J.
Chenoweth	Keefe, S.	Nichols	Sikorski	Vega
Chmielewski	Kirchner	Olson	Sillers	
Coleman	Knoll	Penny	Spear	
Davies	Laufenburger	Perpich	Staples	
Dieterich	Lewis	Peterson	Strand	

Messrs. Ashbach and Sieloff voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 351: A bill for an act relating to historic sites; providing for the administration and control of additional sites by the Minnesota historical society; amending Minnesota Statutes 1976, Section 138.025, by adding subdivisions.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Keefe, S.	Lewis	Nichols
Bang	Dieterich	Kirchner	Luther	Olhoff
Benedict	Gearty	Knoll	Menning	Olson
Bernhagen	Hughes	Laufenburger	Moe	Penny
Chmielewski	Johnson	Lessard	Nelson	Perpich

Peterson	Setzepfandt	Spear	Stumpf	Vega
Pillsbury	Sieloff	Staples	Tennessee	
Renneke	Sikorski	Stokowski	Ueland, A.	
Schmitz	Sillers	Strand	Ulland, J.	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 456: A bill for an act relating to the operation of state government; providing for the purchase of certain motor vehicles for use by investigative and undercover agents of the department of public safety; amending Minnesota Statutes 1976, Section 16.07, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 43 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Johnson	Menning	Pillsbury	Stokowski
Bang	Keefe, J.	Milton	Renneke	Strand
Benedict	Keefe, S.	Moe	Schmitz	Stumpf
Chenoweth	Kirchner	Nelson	Setzepfandt	Tennessee
Chmielewski	Knoll	Nichols	Sieloff	Ueland, A.
Dieterich	Laufenburger	Olhoft	Sikorski	Ulland, J.
Gearty	Lessard	Olson	Sillers	Vega
Gunderson	Lewis	Penny	Spear	
Hughes	Luther	Peterson	Staples	

Mr. Perpich voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 105: A resolution relating to the eastern timber wolf; urging the Secretary of the Interior to return management control of the eastern timber wolf to the state of Minnesota.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 38 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	McCutcheon	Peterson	Strand
Ashbach	Gearty	Menning	Pillsbury	Ueland, A.
Benedict	Gunderson	Moe	Schmitz	Ulland, J.
Bernhagen	Hanson	Nelson	Setzepfandt	Vega
Brataas	Jensen	Nichols	Sieloff	Wegener
Chmielewski	Johnson	Olhoft	Sikorski	Willet
Coleman	Laufenburger	Olson	Staples	
Engler	Lessard	Penny	Stokowski	

Those who voted in the negative were:

Bang	Hughes	Knoll	Milton	Spear
Chenoweth	Keefe, J.	Lewis	Renneke	Stumpf
Davies	Keefe, S.	Luther	Sillers	Tennessen
Dieterich	Kirchner	Merriam		

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1276: A bill for an act relating to public welfare; providing for pilot dental health programs; providing money; repealing Laws 1976, Chapter 305, Section 10.

SUSPENSION OF RULES

Mr. Tennessen moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1276 and that the rules of the Senate be so far suspended as to give H. F. No. 1276, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

H. F. No. 1276 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Kirchner	Olhoff	Staples
Ashbach	Engler	Laufenburger	Olson	Strand
Bang	Gearty	Lessard	Penny	Stumpf
Benedict	Gunderson	Lewis	Perpich	Ueland, A.
Bernhagen	Hughes	Luther	Schmitz	Ulland, J.
Chenoweth	Jensen	McCutcheon	Sieloff	Vega
Chmielewski	Johnson	Menning	Sikorski	
Coleman	Keefe, J.	Milton	Sillers	
Davies	Keefe, S.	Moe	Spear	

So the bill passed and its title was agreed to.

Mr. Tennessen moved that S. F. No. 433, No. 8 on Special Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

SPECIAL ORDER

S. F. No. 707: A bill for an act relating to the governor's manpower office; providing for the employment and training of displaced homemakers; authorizing certain job training, counseling and placement activities; appropriating money.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 40 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Keefe, J.	Olhoft	Spear
Ashbach	Engler	Keefe, S.	Olson	Staples
Bang	Frederick	Kirchner	Perpich	Stokowski
Benedict	Gearty	Laufenburger	Schmitz	Stumpf
Bernhagen	Gunderson	Lessard	Sieloff	Tennessen
Brataas	Hughes	Luther	Sikorski	Ueland, A.
Chmielewski	Jensen	McCutcheon	Sillers	Ulland, J.
Davies	Johnson	Menning	Solon	Vega

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 336: A bill for an act relating to Spanish-speaking people; creating a state board on affairs of the Spanish-speaking people; appropriating money. Referred to the Committee on Governmental Operations.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Schmitz	Stumpf
Bang	Gunderson	Lessard	Schrom	Ueland, A.
Benedict	Hughes	Lewis	Sieloff	Ulland, J.
Bernhagen	Jensen	Luther	Sikorski	Vega
Chenoweth	Johnson	McCutcheon	Sillers	Wegener
Chmielewski	Keefe, J.	Menning	Spear	
Dieterich	Keefe, S.	Milton	Staples	
Engler	Knoll	Olson	Stokowski	

Messrs. Dunn, Kirchner and Pillsbury voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 1071: A bill for an act relating to appropriations; providing funds for the programs of the Minnesota International Center.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 39 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Laufenburger	Perpich	Spear
Ashbach	Engler	Lessard	Pillsbury	Staples
Bang	Gearty	Lewis	Schmitz	Stokowski
Benedict	Hughes	Luther	Schrom	Stumpf
Bernhagen	Humphrey	McCutcheon	Sieloff	Ulland, J.
Brataas	Jensen	Menning	Sikorski	Vega
Chmielewski	Kirchner	Milton	Sillers	Wegener
Dieterich	Knoll	Olhoft	Solon	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 80: A bill for an act relating to ambulance services; reimbursing political subdivisions, non-profit hospitals or corporations for expenses of training volunteer ambulance attendants; appropriating money; amending Minnesota Statutes 1976, Chapter 144, by adding a section.

Mr. Menning moved to amend S. F. No. 80 as follows:

Page 2, line 1, after the dollar sign insert "225,000 for the biennium ending June 30, 1979"

The motion prevailed. So the amendment was adopted.

S. F. No. 80 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 38 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Luther	Schmitz	Stumpf
Bang	Hughes	Menning	Schrom	Ueland, A.
Benedict	Keefe, S.	Milton	Sieloff	Ulland, J.
Borden	Kirchner	Olhoft	Sikorski	Vega
Chmielewski	Knoll	Olson	Sillers	Wegener
Dieterich	Laufenburger	Penny	Solon	Willet
Engler	Lessard	Perpich	Spear	
Frederick	Lewis	Pillsbury	Staples	

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

Mr. Spear moved that S. F. No. 1260, No. 6 on Special Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

SPECIAL ORDER

S. F. No. 455: A bill for an act relating to education; establishing pilot American Indian language and culture education programs; granting certain powers and duties to the state board of education; establishing a state American Indian language and culture education advisory task force; appropriating money; amending Minnesota Statutes 1976, Section 120.095, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Keefe, S.	Perpich	Stumpf
Ashbach	Dieterich	Kirchner	Peterson	Ueland, A.
Bang	Dunn	Laufenburger	Schmitz	Ulland, J.
Benedict	Engler	Lessard	Schrom	Vega
Bernhagen	Frederick	Lewis	Sieloff	Wegener
Borden	Gearty	Luther	Sikorski	
Brataas	Gunderson	McCutcheon	Sillers	
Chenoweth	Hughes	Moe	Spear	
Chmielewski	Humphrey	Olson	Stokowski	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1457: A bill for an act relating to state lands; authorizing the conveyance of certain lands in Aitkin county.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 40 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Coleman	Humphrey	Milton	Sikorski
Ashbach	Dieterich	Keefe, S.	Olson	Sillers
Bang	Dunn	Kirchner	Perpich	Stokowski
Benedict	Engler	Knutson	Peterson	Stumpf
Bernhagen	Frederick	Laufenburger	Pillsbury	Ueland, A.
Borden	Gearty	Lessard	Schmitz	Ulland, J.
Brataas	Gunderson	Luther	Schrom	Vega
Chmielewski	Hughes	McCutcheon	Sieloff	Wegener

So the bill passed and its title was agreed to.

SPECIAL ORDER

S. F. No. 615: A bill for an act relating to education; higher education coordinating board; authorizing the board to contract for spaces for Minnesota residents in out of state schools of osteopathy and optometry; authorizing the board to explore the feasibility of a regional school of optometry; appropriating money.

Mr. Hughes moved to amend S. F. No. 615 as follows:

Page 3, line 8, strike "in" and insert "for"

Page 3, line 9, strike "each year of"

The motion prevailed. So the amendment was adopted.

S. F. No. 615 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 40 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Milton	Sikorski
Ashbach	Engler	Kirchner	Moe	Sillers
Bang	Frederick	Knoll	Olson	Stokowski
Benedict	Gearty	Knutson	Penny	Stumpf
Bernhagen	Gunderson	Laufenburger	Peterson	Ueland, A.
Brataas	Hughes	Lessard	Pillsbury	Ulland, J.
Chmielewski	Humphrey	Luther	Schmitz	Vega
Dieterich	Jensen	Menning	Sieloff	Wegener

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

SPECIAL ORDER

H. F. No. 242: A bill for an act relating to the department of public service; providing for its proper operation; prescribing certain powers, functions and duties; making certain corrections and improvements; revising procedures for regulation of certain activities; reducing certain fees; increasing certain penalties; amending Minnesota Statutes 1976, Sections 216A.02; 216A.03, Subdivision 5; 216A.05, Subdivision 1; 216A.07; 216B.16, Subdivision 2; 216B.58; 231.16; 232.04; 232.06, Subdivision 4; 237.22; 237.29, Subdivision 1; 239.02; 239.07; 239.08; 239.10; 239.12; 239.23; 239.24; and 239.44; repealing Minnesota Statutes 1976, Sections 239.20 and 239.45; and Laws 1975, Chapter 87, Section 5.

Mr. Dieterich moved to strike the Nichols amendment to H. F. No. 242, adopted by the Senate May 19, 1977.

The roll was called, and there were yeas 28 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Gearly	Lessard	Olson	Staples
Benedict	Humphrey	Luther	Perpich	Stumpf
Bernhagen	Johnson	McCutcheon	Schaaf	Vega
Coleman	Keefe, S.	Menning	Sieloff	Wegener
Dieterich	Kleinbaum	Merriam	Sikorski	
Engler	Knoll	Milton	Spear	

Those who voted in the negative were:

Ashbach	Gunderson	Laufenburger	Pillsbury	Ueland, A.
Brataas	Jensen	Penny	Sillers	Ulland, J.
Frederick	Knutson			

The motion prevailed. So the Nichols amendment was stricken.

Mr. Dieterich moved to amend the amendment placed on H. F. No. 242 by the Committee on Commerce, adopted by the Senate May 3, 1977, as follows:

Strike the amendments to pages 3 and 4

Strike the title amendment to page 1, line 10

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

H. F. No. 242 was read the third time, as amended, and placed on its final passage.

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

The toll was called, and there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Kleinbaum	Olson	Sillers
Bang	Frederick	Knutson	Penny	Spear
Benedict	Gearty	Laufenburger	Perpich	Staples
Bernhagen	Gunderson	Lessard	Peterson	Stokowski
Brataas	Hughes	Lewis	Pillsbury	Stumpf
Chmielewski	Jensen	Luther	Schaaf	Ueland, A.
Coleman	Johnson	Menning	Schmitz	Ulland, J.
Dieterich	Keefe, S.	Merriam	Sieloff	Vega
Dunn	Kirchner	Milton	Sikorski	Wegener

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

SPECIAL ORDER

H. F. No. 1582: A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice telecommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

Mr. Schaaf moved to amend H. F. No. 1582, as amended pursuant to Rule 49, adopted by the Senate May 18, 1977, as follows:

Strike the Rule 49 amendment, and further amend H. F. No. 1582 as follows:

Page 2, line 5, after "with" insert "detection,"

Page 3, line 6, strike "He shall perform all duties in respect to"

Page 3, strike lines 7 and 8

Page 3, line 9, strike "on crime prevention and control or its successor."

Page 4, line 7, after "for" insert "criminal justice"

Page 4, after line 8, insert

"Sec. 4. [TRANSFER OF FUNCTIONS.] *The commissioner of public safety shall perform all duties in respect to the state's criminal justice information system which were transferred from the commissioner of finance and the governor's commission on crime prevention and control by executive order of the governor; provided, that a transfer shall not occur if the state is informed by a federal agency that the transfer will result in the loss of federal moneys to which the state would otherwise be entitled pursuant to the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, as amended by the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, and the Crime Control Act of 1976, Public Law 94-503.*"

Renumber the remaining sections

The motion prevailed. So the amendment was adopted.

Mr. Schaaf then moved to amend H. F. No. 1582 as follows:

Page 4, after line 10, insert:

"Sec. 5. Minnesota Statutes 1976, Chapter 626, is amended by adding a section to read:

[626.84] [DEFINITIONS.] *For the purposes of section 5 and sections 626.841 to 626.854, the following terms shall have the meanings given them:*

(a) "Board" means the board of peace officer training and licensing;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

Sec. 6. Minnesota Statutes 1976, Section 626.841, is amended to read:

626.841 [ESTABLISHMENT OF BOARD; MEMBERS.] There is hereby created in the office of the attorney general the Minnesota peace officer training board, hereinafter referred to as the "board." The board of peace officer training and licensing shall be composed of the following:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) ~~Two~~ Three members to be appointed by the governor from among the chiefs of police of Minnesota municipalities, at least one of whom shall be a chief of police from a city of the first class;

(c) Two members to be appointed by the governor from among peace officers in Minnesota municipalities other than chiefs of police or county sheriffs;

~~(d)~~ Two members to be appointed by the governor from among the county attorneys or their assistants in Minnesota, one of whom shall be from a county containing a city of the first class;

~~(e)~~ The chiefs of police of each city of the first class;

~~(f)~~ (d) The superintendent of the Minnesota bureau of criminal apprehension commissioner of public safety or his designee;

~~(g)~~ The chief of the Minnesota highway patrol or his designee;

~~(h)~~ The special agent in charge of a field office of the federal bureau of investigation in this state or his designee;

(i) The attorney general or his designee, and

~~(j)~~ Two (e) Three public members to be appointed by the governor from among the general public.

Sec. 7. Minnesota Statutes 1976, Section 626.842, is amended to read:

626.842 [TERMS; MEETINGS; COMPENSATION; REMOVAL; VACANCIES.] Subdivision 1. If any incumbent sheriff, chief of police, or peace officer or county attorney so appointed ceases to be a sheriff, chief of police, or peace officer or county attorney prior to the expiration of his terms as a member of the board, the governor shall be notified by the executive director of the board that a vacancy exists or is about to exist, and the governor shall forthwith appoint some other incumbent sheriff, chief of police, or peace officer or county attorney to complete his term. Similar notification shall be made by the executive director of a vacancy existing or about to exist as to a member appointed pursuant to clause (j) (e) and the governor shall make a similar appointment.

Meetings shall be called at the request of the executive director, the attorney general, or upon the written request of a majority of the members of the board. All recommendations by the board to the attorney general shall require the affirmative vote of a majority of the members of the board.

Membership on the board shall not constitute the holding of a public office, and members of the board shall not be required to take and file oaths of office or submit a public official's bond before serving on the board.

No member of the board shall be disqualified from holding any public office or employment, by reason of his appointment to the board, nor shall he forfeit any such office or employment notwithstanding any general, special, or local restriction, or ordinance, or city charter to the contrary.

Subd. 2. The membership terms, compensation, removal of members and the filling of vacancies for members appointed pursuant to section 626.841, clauses (a), (b), (c), (d), and (j) (e) on the board; the provision of staff, administrative services and office space; the review and processing of complaints; the renewal of licenses; the setting of fees; and other matters relating to board operations shall be as provided in section 15.9575 chapter 214.

Sec 8. Minnesota Statutes 1976, Section 626.843, Subdivision 1, is amended to read:

626.843 [RULES AND REGULATIONS, RECOMMENDATIONS; EXECUTIVE DIRECTOR.] Subdivision 1. The Minnesota peace officer training board may recommend to the attorney general shall adopt rules and regulations with respect to:

(a) The approval or disapproval thereof, of peace officer training schools or courses including training schools for the Minnesota highway patrol. Such schools shall include schools administered by the state, county, school district, municipality, or joint or contractual combinations thereof; and such courses shall include police training courses taught at vocational schools and trade schools;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each approved peace officers training school located within the state;

(c) Minimum qualifications for instructors at approved peace officer training schools located within this state;

(d) Minimum standards of physical, mental and educational fitness which shall govern the recruitment and licensing of non-elective peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota highway patrol;

(e) Minimum standards of conduct which would affect the performance of the individual in his duties as a peace officer;

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum basic training which peace officers not appointed for temporary or probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent employment, and the time within which such basic training must be completed following such appointment on a nonpermanent basis;

(h) Categories or classifications of advanced Minimum in service training programs and minimum courses of study and attendance requirements with respect to such categories and classifications continuing education courses and other requirements for the renewal of licenses of peace officers ;

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment; and

(j) Such other matters as may be necessary consistent with sections 626.841 to 626.854, and section 5. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.841 to 626.854, and section 5.

Sec. 9. Minnesota Statutes 1976, Section 626.845, is amended to read:

626.845 [EXECUTIVE DIRECTOR.] The executive director, on behalf of the board, shall have the following powers and duties, to be exercised with the approval of the board and to be executed only in full accordance with rules and regulations promulgated by the attorney general pursuant to section 626.844; board:

(a) To approve peace officers' training schools administered by state, county and municipalities located within this state;

(b) To issue certificates of approval to such approved schools, and to revoke such certification of approval when necessary to maintain the objectives and purposes of sections 626.841 to 626.854;

(c) To certify, as qualified, instructors at approved peace officer

training schools, and to issue appropriate certificates to such instructors;

(d) To certify *issue licenses and renewals of licenses to peace officers who have satisfactorily completed basic training programs, and to issue appropriate certificates to such peace officers and passed examinations as required by the board;*

(e) To cause studies and surveys to be made relating to the establishment, operation, and approval of state, county, and municipal peace officer training schools;

(f) To consult and cooperate with state, county, and municipal peace officer training schools for the development of advanced in-service training programs for peace officers;

(g) To consult and cooperate with universities and colleges for the development of specialized courses of instruction and study in the state for peace officers in police science and police administration;

(h) To consult and cooperate with other departments and agencies of the state and federal government concerned with peace officer training;

(i) To perform such other acts as may be necessary and appropriate to carry out his powers and duties as set forth in the provisions of sections 626.841 to 626.854;

(j) To report to the board, from time to time, at the regular meetings of the board and at such other times as may be required by the board.

Sec. 10. Minnesota Statutes 1976, Section 626.846, Subdivision 1, is amended to read:

626.846 [ATTENDANCE, FORFEITURE OF POSITION.] Subdivision 1. Notwithstanding any general or local law or charter to the contrary, *any no* peace officer employed *or elected on* or after July 1, ~~1967~~ July 1, 1978, by any state or regional agency, county, town, municipality or joint or contractual combination thereof of the state of Minnesota with a population of more than 1,000 according to the last federal census shall attend a peace officers training course within 12 months of his appointment, *except as provided in section 626.853. be eligible for permanent appointment without being licensed by the board pursuant to rules promulgated under section 626.843.*

Sec. 11. Minnesota Statutes 1976, Section 626.846, is amended by adding subdivisions to read:

Subd. 3. No peace officer required to be licensed under this section shall be eligible for continued employment without having his license renewed pursuant to rules promulgated pursuant to section 626.843.

Subd. 4. A peace officer who has received a permanent appointment prior to July 1, 1978, shall be licensed by the board if the officer has met the requirements of sections 626.841 to 626.854,

in effect on June 30, 1977, and if the officer has requested licensing by the board. Peace officers receiving a license under this subdivision shall have their license renewed in the same manner as required of other licensed peace officers. 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.

Subd. 5. After July 1, 1978, no state or regional agency, county, town, municipality or joint or contractual combination thereof may employ a person as a peace officer who has not satisfactorily completed a course of pre-service training as required by the board by rule.

Sec. 12. Minnesota Statutes 1976, Section 626.848, is amended to read:

626.848 [TRAINING COURSES, LOCATIONS.] *Subject to board rules, the superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state, for training peace officers in their powers and duties, and in the use of approved equipment and the latest technique for detection, identification and apprehension of criminals. For this purpose, the superintendent may use the services and employees of the bureau.*

Sec. 13. Minnesota Statutes 1976, Section 626.85, Subdivision 1, is amended to read:

626.85 [INSTRUCTORS; DONATIONS, CONTRIBUTIONS.] Subdivision 1. In addition to the bureau employees assigned to police training, full time or part time, the superintendent is authorized to engage such part time instructors as he deems proper and necessary to furnish the best possible instruction in police sciences, *subject to board rules and to the limitation of funds as appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to such part time employees.*

Sec. 14. Minnesota Statutes 1976, Section 626.851, Subdivision 2, is amended to read:

Subd. 2. Any student successfully completing 1000 hours of law enforcement instruction in a post secondary educational law enforcement program which is approved by the Minnesota state department of education or an accredited institution of higher learning shall be eligible, upon compliance with the requirements prescribed by rules of the attorney general for the Minnesota peace officer training board, to receive the minimum basic police training as established under section 626.843 conducted by the Minnesota bureau of criminal apprehension in facilities provided by the institute. Upon satisfactory completion of the training course conducted by the bureau the certificate shall be awarded to the individual.

Sec. 15. Minnesota Statutes 1976, Section 626.854, is amended to read:

626.854 [COOPERATION WITH FEDERAL GOVERNMENT.] The Minnesota peace officers training board shall have the further power and authority to cooperate with, receive financial assistance from and join in projects or enter into contracts with the federal government or its agencies for the furtherance of peace officer training within the state.

Sec. 16. Minnesota Statutes 1976, Section 214.01, Subdivision 3, is amended to read:

Subd. 3. "Non-health related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, the board of cosmetology examiners established pursuant to section 155.04, the board of assessors established pursuant to section 270.41, the board of architecture, engineering and land surveying established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.541, the board of boxing established pursuant to section 326.33, the board of examiners in watchmaking established pursuant to section 326.541, the board of boxing established pursuant to section 341.02 and the board of abstractors established pursuant to section 386.63, and the peace officer training and licensing board established pursuant to section 626.841.

Sec. 17. Minnesota Statutes 1976, Sections 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847, and 626.853 are repealed."

Renumber the sections in sequence

Amend the title as follows:

Line 5, after the semicolon, insert "providing for training and licensing of all peace officers in the state; renaming the peace officer training board; giving the board additional responsibilities;"

Line 6, strike "and" and insert "214.01, Subdivision 3; 626.841; 626.842; 626.843, Subdivision 1; 626.845; 626.846, Subdivision 1 and by adding subdivisions; 626.848; 626.85, Subdivision 1; 626.851, Subdivision 2; 626.854;"

Line 7, after the semicolon insert "Chapter 626, by adding a section;"

Line 8, strike "Section" and insert "Sections"

Line 8, before the period, insert "; 626.843, Subdivision 4; 626.844; 626.846, Subdivision 2; 626.847; and 626.853"

The motion prevailed. So the amendment was adopted.

H. F. No. 1582 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 37 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lessard	Perpich	Staples
Bang	Hughes	Lewis	Peterson	Stokowski
Benedict	Humphrey	Luther	Schaaf	Stumpf
Bernhagen	Johnson	McCutcheon	Schmitz	Ulland, J.
Brataas	Keefe, S.	Merriam	Sieloff	Vega
Dieterich	Kleinbaum	Milton	Sikorski	
Engler	Knoll	Olhoff	Sillers	
Gearty	Laufenburger	Olson	Spear	

Messrs. Chmielewski, Frederick and Jensen voted in the negative.

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

SPECIAL ORDER

H. F. No. 723: A bill for an act relating to economic development; providing grants to community development corporations; setting out criteria for making such grants; amending Minnesota Statutes 1976, Chapter 362, by adding a section.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	McCutcheon	Solon
Ashbach	Engler	Kirchner	Olhoff	Spear
Bang	Frederick	Kleinbaum	Perpich	Staples
Benedict	Gearty	Knoll	Peterson	Stokowski
Bernhagen	Gunderson	Knutson	Pillsbury	Stumpf
Borden	Hughes	Laufenburger	Schmitz	Ueland, A.
Brataas	Humphrey	Lessard	Sieloff	Ulland, J.
Chmielewski	Jensen	Lewis	Sikorski	Vega
Dieterich	Johnson	Luther	Sillers	Wegener

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of five members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 73: A bill for an act relating to weather modification; prohibiting the use of cloud seeding apparatus located on the ground; prescribing a penalty.

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

Stanton; Mann; Anderson, G.; Erickson and Suss.

Senate File No. 73 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 20, 1977

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1051:

H. F. No. 1051: A bill for an act relating to public welfare; aid to families with dependent children, medical assistance, and supplemental aid; altering eligibility criteria; appropriating money; amending Minnesota Statutes 1976, Sections 256.73, Subdivision 2; 256B.06, Subdivision 1; 256B.14; and 256D.37, Subdivision 2.

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

Berglin, Samuelson and Rice have been appointed as such committee on the part of the House.

House File No. 1051 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 20, 1977

Mr. Keefe, S. moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1051, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 613:

H. F. No. 613: A bill for an act relating to the operation of state government; establishing an office of volunteer services within the office of the governor; coordinating volunteer programs throughout the state; appropriating money.

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

Clark, McCarron and Samuelson have been appointed as such committee on the part of the House.

House File No. 613 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 20, 1977

Mr. Hughes moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 613, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House accedes to the request of the Senate for the return of House File No. 585 for further consideration.

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.

House File No. 585 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 20, 1977

RECONSIDERATION

Mr. Olhofft moved that the vote whereby H. F. No. 585 was passed by the Senate on May 17, 1977, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Mr. Dieterich moved to amend H. F. No. 585 as follows:

Strike the Dieterich amendment to H. F. No. 585, adopted by the Senate May 16, 1977, and amend H. F. No. 585 as follows:

Page 11, line 4, after the period, insert *"The effect of the notice shall expire 90 days after it has been mailed to the taxpayer provided that the notice may be renewed by mailing a new notice which is in accordance with this subdivision. The renewed notice shall have the effect of reinstating the priority of the original claim."*

The motion prevailed. So the amendment was adopted.

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, Subdivi-

sions 4 and 14; 290.21, Subdivision 3; 290.36; 290.54; 290.92, by adding a subdivision; 290.934, Subdivision 5; and 290A.06.

H. F. No. 535 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Penny	Staples
Ashbach	Gearty	Lessard	Perpich	Stokowski
Bang	Gunderson	Lewis	Pillsbury	Stumpf
Benedict	Hughes	Luther	Purfeerst	Ueland, A.
Bernhagen	Humphrey	McCutcheon	Schaaf	Ulland, J.
Borden	Jensen	Menning	Schmitz	Wegener
Brataas	Keefe, S.	Milton	Schrom	Willet
Chmielewski	Kirchner	Moe	Sieloff	
Dieterich	Kleinbaum	Ogdahl	Sikorski	
Dunn	Knoll	Olhoff	Sillers	
Engler	Knutson	Olson	Spear	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 120: A bill for an act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; establishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.

Senate File No. 120 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1977

CONCURRENCE AND REPASSAGE

Mr. McCutcheon moved that the Senate concur in the amendments by the House to S. F. No. 120 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 120 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Olhoft	Sikorski
Ashbach	Frederick	Laufenburger	Olson	Sillers
Bang	Gearty	Lessard	Penny	Spear
Benedict	Gunderson	Lewis	Perpich	Staples
Bernhagen	Hughes	Luther	Pillsbury	Stokowski
Borden	Humphrey	McCutcheon	Purfeerst	Stumpf
Brataas	Johnson	Menning	Schaaf	Ueland, A.
Chmielewski	Kirchner	Milton	Schmitz	Ulland, J.
Coleman	Kleinbaum	Moe	Schrom	Vega
Dieterich	Knoll	Ogdahl	Sieloff	Willett

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 1334: A bill for an act relating to public welfare; providing for payment of the costs of certain care and treatment for mentally retarded, epileptic and emotionally handicapped children; requiring the parents and child to provide reimbursement for certain care and treatment; amending Minnesota Statutes 1976, Sections 246.51; and 252.27, Subdivisions 1 and 2.

Senate File No. 1334 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 20, 1977

CONCURRENCE AND REPASSAGE

Mr. Perpich moved that the Senate concur in the amendments by the House to S. F. No. 1334 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1334 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Spear
Ashbach	Gearty	Laufenburger	Penny	Staples
Bang	Gunderson	Lessard	Perpich	Stokowski
Benedict	Hughes	Lewis	Pillsbury	Stumpf
Bernhagen	Humphrey	Luther	Schaaf	Ueland, A.
Brataas	Jensen	McCutcheon	Schmitz	Ulland, J.
Chmielewski	Johnson	Menning	Schrom	Wegener
Coleman	Kirchner	Milton	Sieloff	
Dieterich	Kleinbaum	Moe	Sikorski	
Engler	Knoll	Olhoft	Sillers	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 586 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 586: A bill for an act relating to taxation; information contained in income tax returns; amending Minnesota Statutes 1976, Sections 290.081; and 290.61.

House File No. 586 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 1977

CONFERENCE COMMITTEE REPORT ON H. F. NO. 586

A bill for an act relating to taxation; information contained in income tax returns; amending Minnesota Statutes 1976, Sections 290.081; and 290.61.

May 17, 1977

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

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 586 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 586 be amended as follows:

Page 4, line 12, delete "*The commissioner shall first*" and insert "*Prior to the release of any information under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the extent that it is protected under the laws of the state of Minnesota.*"

Page 4, delete lines 13, 14 and 15

Page 5, line 2, after "therein" insert a new period and strike "and if the"

Page 5, line 5, delete the underlined language and insert "*Prior to the release of any information to any official of the United States or any other state, under the provisions of this section, the person to whom the information is to be released shall sign an agreement which provides that he will protect the confidentiality of the returns and information revealed thereby to the*

extent that it is protected under the laws of the state of Minnesota."

Page 5, delete line 6

Page 5, line 7, delete the new language and strike "provided by our laws."

Page 5, line 18, delete "*Upon request of a state official,*" and insert "*Upon the request of a majority of the members of the house tax committee or the senate tax committee, or the request of a majority of the members of the tax study commission,*"

Page 5, line 19, delete "may" and insert "shall"

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

House Conferees: (Signed) William Kelly, Wesley Skoglund, Henry Savelkoul

Senate Conferees: (Signed) Bill McCutcheon, John Bernhagen

Mr. McCutcheon moved that the foregoing recommendations and Conference Committee Report on H. F. No. 586 be now adopted, and that the bill be repassed as amended by the Conference Committee.

Mr. Sieloff moved that the recommendations and Conference Committee Report on H. F. No. 586 be rejected, the Conference Committee be discharged, and that a new Conference Committee be appointed by the Subcommittee on Committees to act with a like Conference Committee appointed on the part of the House.

The question was taken on the adoption of the Sieloff motion.

The roll was called, and there were yeas 36 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Schaaf	Stumpf
Ashbach	Gunderson	Lessard	Schmitz	Tennessen
Bang	Humphrey	Luther	Sieloff	Ueland, A.
Benedict	Keefe, J.	Menning	Sikorski	Ulland, J.
Chmielewski	Kirchner	Merriam	Sillers	
Davies	Kleinbaum	Milton	Spear	
Dunn	Knoll	Pillsbury	Staples	
Engler	Knutson	Purfeerst	Stokowski	

Those who voted in the negative were:

Bernhagen	McCutcheon	Perpich	Solon	Wegener
Johnson	Olhoft	Peterson	Vega	

The motion prevailed.

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House

File No. 801 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 801: A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976, Section 609.52, Subdivision 2; and Chapter 609, by adding a section.

House File No. 801 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 19, 1977

CONFERENCE COMMITTEE REPORT ON H. F. NO. 801

A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976, Section 609.52, Subdivision 2; and Chapter 609, by adding a section.

May 17, 1977

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

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 801, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that the bill be further amended as follows:

Page 5, delete lines 4 to 28 and insert:

"(12) Intentionally deprives another of a lawful charge for cable television service by

(i) making or using or attempting to make or use an unauthorized external connection outside the individual dwelling unit whether physical, electrical, acoustical, inductive or other connection, or by

(ii) attaching any unauthorized device to any cable, wire, microwave, or other component of a licensed cable communications system as defined in chapter 238. Nothing herein shall be construed to prohibit the electronic video re-recording of program material transmitted on the cable communications system by a subscriber for fair use as defined by Public Law 94-553, Section 107.

Sec. 2. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.80] [INTERFERING WITH CABLE COMMUNICATIONS SYSTEMS.] *Whoever does any of the following is guilty of a misdemeanor:*

(1) intentionally and with the purpose of making or aiding in an unauthorized connection as defined in Minnesota Statutes, Section 609.52, Subdivision 2, Clause (12) to a licensed cable communications system as defined in chapter 238 sells, rents, lends, offers or advertises for sale, rental or use, any instrument, apparatus, equipment, device or plan, specification or instruction for making an unauthorized connection; or

(2) intentionally tampers with, removes or injures any cable, wire, or other component of a licensed cable communications system as defined in chapter 238; or

(3) intentionally and without claim of right interrupts a service of a licensed cable communications system as defined in chapter 238.

Sec. 3. Minnesota Statutes 1976, Section 238.09, Subdivision 1, is amended to read:

238.09 [CERTIFICATE OF CONFIRMATION.] Subdivision 1. Except as provided in subdivisions 4 and 5 and 10, after May 24, 1973, no person shall exercise a franchise, and no such franchise shall be effective, until the board has confirmed such franchise.

Sec. 4. Minnesota Statutes 1976, Section 238.09, is amended by adding a subdivision to read:

Subd. 10. Any cable communications company which, pursuant to an existing franchise was lawfully engaged in actual operations and which was providing extension of service to an area or areas outside of its franchise boundaries on May 1, 1977 may, notwithstanding any other law to the contrary, continue to provide such extension of service until May 1, 1978 or such time as the commission adopts line extension rules, whichever date is earlier."

Further, amend the title as follows:

Page 1, line 5, delete "Section" and insert "Sections 238.09, Subdivision 1, and by adding a subdivision;"

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

House Conferees: (Signed) Richard Cohen, William Dean and James Pehler.

Senate Conferees: (Signed) Eugene E. Stokowski, Jack I. Kleinbaum and William G. Kirchner.

Mr. Stokowski moved that the foregoing recommendations and Conference Committee Report on H. F. No. 801 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 801: A bill for an act relating to crimes; specifying certain acts which constitute theft in relation to cable television services and systems; providing penalties; amending Minnesota Statutes 1976, Sections 238.09, Subdivision 1, and by adding a subdivision; 609.52, Subdivision 2; and Chapter 609, by adding a section.

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

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

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knoll	Peterson	Spear
Ashbach	Gunderson	Knutson	Pillsbury	Staples
Bang	Hughes	Lessard	Purfeerst	Stokowski
Benedict	Humphrey	Luther	Schaaf	Stumpf
Bernhagen	Jensen	McCutcheon	Schmitz	Ueland, A.
Chmielewski	Johnson	Menning	Sieloff	Ulland, J.
Dieterich	Keefe, S.	Milton	Sikorski	Vega
Dunn	Kirchner	Olhoft	Sillers	Wegener
Engler	Kleinbaum	Perpich	Solon	

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

Pursuant to Rule 21, Mr. Anderson moved that the following members be excused for a Conference Committee on H. F. No. 522:

Messrs. Anderson, Bernhagen and Mrs. Staples. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 45 a Special Order to be heard immediately.

H. F. No. 45: A bill for an act relating to environmental protection; prohibiting retail sale of milk in nonreturnable, nonrefillable plastic containers; prescribing penalties.

Mr. Luther moved to strike the amendment placed on H. F. No. 45 by the Committee on Agriculture and Natural Resources, adopted by the Senate May 2, 1977.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 38 and nays 19, as follows:

Those who voted in the affirmative were:

Benedict	Humphrey	McCutcheon	Schaaf	Strand
Borden	Johnson	Menning	Setzepfandt	Stumpf
Chmielewski	Keefe, S.	Milton	Sieloff	Ulland, J.
Coleman	Kleinbaum	Moe	Sikorski	Vega
Dieterich	Knoll	Nelson	Sillers	Wegener
Gearty	Lessard	Olhoft	Solon	Willet
Hanson	Lewis	Olson	Spear	
Hughes	Luther	Perpich	Stokowski	

Those who voted in the negative were:

Ashbach	Engler	Knutson	Penny	Schmitz
Bang	Gunderson	Laufenburger	Peterson	Schrom
Brataas	Jensen	Nichols	Pillsbury	Ueland, A.
Dunn	Kirchner	Ogdahl	Renneke	

The motion prevailed. So the amendment was stricken.

H. F. No. 45 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

The roll was called, and there were yeas 40 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Johnson	McCutcheon	Perpich	Staples
Benedict	Keefe, J.	Milton	Peterson	Stokowski
Borden	Keefe, S.	Moe	Schaaf	Strand
Coleman	Kleinbaum	Nelson	Setzepfandt	Stumpf
Dieterich	Knoll	Ogdahl	Sieloff	Ulland, J.
Hanson	Lessard	Olhoff	Sikorski	Vega
Hughes	Lewis	Olson	Solon	Wegener
Humphrey	Luther	Penny	Spear	Willet

Those who voted in the negative were:

Ashbach	Dunn	Jensen	Nichols	Schrom
Bang	Engler	Kirchner	Pillsbury	Sillers
Bernhagen	Frederick	Knutson	Purfeerst	Ueland, A.
Brataas	Gearty	Laufenburger	Renneke	
Chmielewski	Gunderson	Menning	Schmitz	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Olson moved that S. F. No. 774 be recalled from the Governor for further consideration. The motion prevailed.

RECESS

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

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

APPOINTMENTS

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

H. F. No. 1051, pursuant to the request of the House:

Messrs. Keefe, S.; Moe and Coleman.

H. F. No. 613, pursuant to the request of the House:

Mr. Hughes, and Mmes. Staples and Brataas.

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

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused for a Conference Committee on S. F. No. 896 at 8:00 p.m.:

Messrs. Merriam, Dunn, Anderson, Luther and Olhoft. The motion prevailed.

RECESS

Mr. Coleman moved that the Senate do now recess until 9:00 o'clock p.m. The motion prevailed.

The hour of 9:00 o'clock p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

Bang	Hanson	Nelson	Schmitz	Stumpf
Benedict	Johnson	Nichols	Setzepfandt	Tennessen
Chmielewski	Keefe, S.	Ogdahl	Sikorski	Ulland, J.
Coleman	Kirchner	Penny	Sillers	Vega
Davies	Kleinbaum	Perpich	Spear	Wegener
Dieterich	Knoh	Peterson	Staples	
Gearty	Laufenburger	Pillsbury	Stokowski	
Gunderson	Menning	Purfeerst	Strand	

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

Without objection, the Senate reverted to the Order of Business of Executive and Official Communications and Messages From the House and First Reading of House Bills.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 20, 1977

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

Pursuant to the request of the Senate, I am returning herewith S. F. No. 774.

Sincerely,
Rudy Perpich, Governor

Mr. Coleman moved that S. F. No. 774 be laid on the table. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted:

H. F. No. 447.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 1977

FIRST READING OF HOUSE BILLS

The following bill was read the first time:

H. F. No. 447: 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.

SUSPENSION OF RULES

Mr. Chmielewski moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 447 and that the rules of the Senate be so far suspended as to give H. F. No. 447 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 447 was read the second time.

Mr. Chmielewski moved to amend H. F. No. 447 as follows:

Page 2, after line 7, insert:

"Sec. 2. [NURSING HOME REVENUE BONDS.] Subdivision 1. [AUTHORIZATION.] The board of commissioners of Chisago county may by resolution sell and issue revenue bonds of the county in the amount of \$1,500,000 to finance the acquisition and betterment of additional facilities for the county nursing home, comprising apartment units.

Subd. 2. [ADMINISTRATION AND RENTAL OF APARTMENT UNITS.] The apartment units shall be constructed in close proximity to existing county nursing home facilities, and administered together with the existing facilities as part of an overall program for the care of aged and infirm persons. The board of commissioners may rent the apartment units to persons applying for entrance to the county nursing home, or to other elderly persons of low and moderate income who may require use of nursing home facilities, on the terms and conditions the board deems advisable.

Subd. 3. [ELIGIBILITY.] The county may by ordinance adopt

regulations establishing age, health and income eligibility requirements for the rental of the apartment units. The regulations may provide different rental terms and conditions for persons of different ages, health conditions and incomes.

Subd. 4. [BOND SECURITY; REFERENDUM PETITION.] The bonds shall be issued and secured in accordance with the provisions of Minnesota Statutes, Chapter 475, relating to obligations payable wholly from the income of revenue producing public conveniences. The board of commissioners may pledge and appropriate the revenues to be derived from operation of the nursing home facilities to pay the principal and interest on the bonds when due and to create and maintain reserves for that purpose, as a first and prior lien on all such revenues or, if so provided in the bond resolution, as a lien thereon subordinate to the current payment of a fixed amount or percentage or all of the annual costs of the operation, administration, and maintenance of the facilities. Revenue bonds shall not be included in the district's net debt for the purpose of any limitation. In the issuance of such bonds the revenues or lease rentals from any or all facilities may be pledged and appropriated by resolution for the use and benefit of the bondholders, or may be pledged by the execution of an indenture or other appropriate instrument to a trustee for the bondholders. The county board shall have power to make and enter into any and all covenants with the bondholders or trustee which are determined by it to be necessary or proper to assure the marketability of the bonds, the completion of the facilities, the segregation of the revenues or rentals and any other funds pledged, and the sufficiency thereof for the prompt and full payment of all bonds and interest.

Sec. 3. Section 2 is effective upon approval by a majority of the board of commissioners of Chisago county, and upon compliance with Minnesota Statutes, Section 645.021."

Amend the title as follows:

Line 2, after "resources" insert "and to Chisago county"

Line 5, before the period, insert "; authorizing Chisago county to issue revenue bonds to finance the cost of facilities for the county nursing home; providing for the administration and rental of the facilities."

The motion prevailed. So the amendment was adopted.

H. F. No. 447 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 44 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Perpich	Spear
Benedict	Gunderson	Lessard	Peterson	Staples
Brataas	Hanson	Lewis	Purfeerst	Stokowski
Chmielewski	Hughes	Menning	Renneke	Strand
Coleman	Johnson	Milton	Schmitz	Stumpf
Davies	Keefe, S.	Moe	Schrom	Tennessee
Dieterich	Kirchner	Nelson	Setzepfandt	Ulland, J.
Engler	Kleinbaum	Nichols	Sieloff	Wegener
Frederick	Knutson	Penny	Sikorski	

Messrs. Bang, Ogdahl, Pillsbury and Sillers voted in the negative.

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

Without objection, the Senate reverted to the Order of Business of Messages from the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1631:

H. F. No. 1631: A bill for an act relating to public improvements; providing for prison and education facilities; regulating the location of certain education facilities; barrier free buildings; authorizing state building bonds; appropriating money.

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

Dahl, Dean, McCarron, Arlandson and Welch have been appointed as such committee on the part of the House.

House File No. 1631 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 20, 1977

Mr. Moe moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1631, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S. F. No. 690: A bill for an act appropriating money for educational television facilities in northern Minnesota.

Senate File No. 690 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1977

CONCURRENCE AND REPASSAGE

Mr. Hanson moved that the Senate concur in the amendments by the House to S. F. No. 690 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 690 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Lessard	Purfeerst	Staples
Bang	Gunderson	McCutcheon	Renneke	Stokowski
Benedict	Hanson	Menning	Schaaf	Strand
Brataas	Hughes	Moe	Schmitz	Stumpf
Chmielewski	Johnson	Nelson	Schrom	Tennessen
Coleman	Keefe, J.	Nichols	Setzepfandt	Ulland, J.
Davies	Kirchner	Ogdahl	Sieloff	Vega
Dieterich	Kleinbaum	Penny	Sikorski	Wegener
Engler	Knutson	Peterson	Sillers	
Frederick	Laufenburger	Pillsbury	Spear	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted:

H. F. No. 26.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 19, 1977

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H. F. No. 26: A bill for an act relating to labor; granting public employees paid leaves of absence to engage in world athletic competition.

Mr. Schaaf moved that H. F. No. 26 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Milton moved that S. F. No. 899 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Milton moved that the Senate concur in the amendments by the House to S. F. No. 899 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 899 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Lewis	Perpich	Spear
Bang	Hanson	Luther	Peterson	Staples
Benedict	Jensen	McCutcheon	Pillsbury	Stokowski
Bernhagen	Johnson	Menning	Purfeerst	Strand
Brataas	Keefe, J.	Milton	Renneke	Stumpf
Chmielewski	Keefe, S.	Moe	Schaaf	Tennessen
Coleman	Kirchner	Nelson	Schmitz	Ulland, J.
Davies	Kleinbaum	Nichols	Setzepfandt	Vega
Dieterich	Knutson	Ogdahl	Sieloff	Wegener
Engler	Laufenburger	Olson	Sikoraki	
Gearty	Lessard	Penny	Sillers	

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that H. F. No. 83 be taken from the table and given its second reading. The motion prevailed.

H. F. No. 83 was read the second time.

RECESS

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

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that H. F. No. 83 be laid on the table. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 1395: A bill for an act relating to education; public television and radio; altering the calculation of matching funds required by public stations; appropriating money; amending Minnesota Statutes 1976, Section 139.18, Subdivisions 1 and 2.

Senate File No. 1395 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 20, 1977

Mr. Solon moved that the Senate do not concur in the amendments by the House to S. F. No. 1395 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

APPOINTMENTS

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

H. F. No. 1631, pursuant to the request of the House:

Messrs. Moe, Lewis, Spear, Solon and Pillsbury.

S. F. No. 1395, pursuant to the request of the Senate:

Messrs. Solon, Humphrey and Mrs. Brataas.

H. F. No. 315, pursuant to the request of the House:

Messrs. Vega, Knutson and Purfeerst.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Schaaf moved that H. F. No. 26 be taken from the table. The motion prevailed.

SUSPENSION OF RULES

Mr. Schaaf moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 26 and that the rules of the Senate be so far suspended as to give H. F. No. 26 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 26 was read the second time.

H. F. No. 26: A bill for an act relating to labor; granting public employees paid leaves of absence to engage in world athletic competition.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 35 and nays 11, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Laufenburger	Peterson	Staples
Benedict	Johnson	Lessard	Purfeerst	Stokowaki
Bernhagen	Keefe, S.	Luther	Renneke	Strand
Brataas	Kirchner	McCutcheon	Schaaf	Tennessee
Davies	Kleinbaum	Olhoff	Schmitz	Ulland, J.
Engler	Knoll	Penny	Setzepfandt	Vega
Gearty	Knutson	Perpich	Sikorski	Wegener

Those who voted in the negative were:

Coleman	Hughes	Menning	Olson	Sillers
Dieterich	Jensen	Merriam	Sieloff	Stumpf
Gunderson				

So the bill passed and its title was agreed to.

Without objection, the Senate reverted to the Order of Business of Messages From the House and First Reading of House Bills.

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. 15, 267, 356 and 420.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 1977

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H. F. No. 15: A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.

SUSPENSION OF RULES

Mr. Schaaf moved that an urgency be declared within the

meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 15 and that the rules of the Senate be so far suspended as to give H. F. No. 15 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 15 was read the second time.

H. F. No. 15: A bill for an act relating to parks; appropriating money for the development of recreation facilities for the handicapped at Islands of Peace park.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 2, as follows:

Those who voted in the affirmative were:

Bang	Gunderson	Laufenburger	Perpich	Stokowski
Benedict	Hanson	Lessard	Peterson	Strand
Bernhagen	Hughes	Luther	Schaaf	Stumpf
Chmielewski	Johnson	McCutcheon	Schrom	Tennessee
Davies	Keefe, S.	Menning	Setzepfandt	Ulland, J.
Dieterich	Kirchner	Milton	Sieloff	Vega
Engler	Kleinbaum	Nelson	Sikoraki	
Frederick	Knoll	Olson	Sillers	
Gearty	Knutson	Penny	Staples	

Messrs. Purfeerst and Renneke voted in the negative.

So the bill passed and its title was agreed to.

FIRST READING OF HOUSE BILLS—CONTINUED

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

H. F. No. 267: A bill for an act relating to negligence; proscribing certain liability of good samaritans; amending Minnesota Statutes 1976, Section 604.05.

Referred to the Committee on Judiciary.

H. F. No. 356: A bill for an act relating to insurance; examination fees; abstract or summary of the annual statement; amending Minnesota Statutes 1976, Sections 60A.03, Subdivision 5; 60A.13, Subdivision 3; and 60A.14, Subdivision 1.

Referred to the Committee on Commerce.

H. F. No. 420: A bill for an act relating to education; Montessori schools; excluding Montessori schools from day care regulation; appropriating money; amending Minnesota Statutes 1976, Section 245.791.

Referred to the Committee on Rules and Administration for Comparison to S. F. No. 185 now on General Orders.

Without objection, the Senate reverted to the Order of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1582:

H. F. No. 1582: A bill for an act relating to public safety; clarifying the duties of the commissioner of public safety in regard to the state criminal justice datacommunications network; amending Minnesota Statutes 1976, Sections 299C.46; 299C.48; and Chapter 299C, by adding a section; repealing Minnesota Statutes 1976, Section 299C.45.

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

Novak, Kahn and Moe have been appointed as such committee on the part of the House.

House File No. 1582 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 20, 1977

Mr. Schaaf moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1582, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted:

H. F. No. 85

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 20, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 85: A bill for an act relating to governmental agencies; providing for an open appointment process; requiring reports from appointing authorities and the commissioner of administration; providing for publication of agency vacancies.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Tennessen moved that the name of Mr. Ulland, J. be added as co-author to S. F. No. 1199. The motion prevailed.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved that the Senate revert to the Order of Business of Messages From the House. The motion prevailed.

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 783: A bill for an act relating to libraries; requiring distribution of certain state publications to county libraries; appropriating money; amending Minnesota Statutes 1976, Sections 15.051, Subdivision 4; 15.047, Subdivision 2; and 648.39, by adding a subdivision.

Senate File No. 783 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 20, 1977

CONCURRENCE AND REPASSAGE

Mr. Olson moved that the Senate concur in the amendments by the House to S. F. No. 783 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 783 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 40 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Laufenburger	Penny	Staples
Bang	Engler	Lessard	Perpich	Stokowski
Benedict	Gearty	McCutcheon	Peterson	Strand
Bernhagen	Hughes	Menning	Renneke	Stumpf
Brataas	Keefe, S.	Milton	Schaaf	Tennessen
Chmielewski	Kirchner	Nichols	Schmitz	Ulland, J.
Coleman	Kleinbaum	Ogdahl	Schrom	Vega
Davies	Knutson	Olson	Sikorski	Wegener

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 266: A bill for an act relating to elections; providing for training of all election officials; requiring training prior to service as an election judge; imposing certain duties on the secretary of state and county auditors; providing for assistance to disabled voters; appropriating money; amending Minnesota Statutes 1976, Sections 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; 204A.18, by adding a subdivision; 204A.20; 204A.34, Subdivision 2, as amended and Chapter 204A, by adding a section.

Senate File No. 266 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 20, 1977

CONCURRENCE AND REPASSAGE

Mr. Keefe, S. moved that the Senate concur in the amendments by the House to S. F. No. 266 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 266: A bill for an act relating to elections; providing for training of all election officials; prescribing certain duties for the secretary of state; providing for assistance to disabled voters; amending Minnesota Statutes 1976, Sections 204A.13, Subdivision 2, and by adding subdivisions; 204A.14, Subdivision 1; 204A.34, Subdivision 2, as amended by Laws 1977, Chapter 88, Section 2; and Chapter 204A, by adding a section.

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

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

The roll was called, and there were yeas 39 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knutson	Olson	Sikorski
Bang	Frederick	Laufenburger	Penny	Staples
Benedict	Gearity	Lessard	Perpich	Stokowski
Bernhagen	Hanson	McCutcheon	Peterson	Stumpf
Brataas	Hughes	Menning	Renneke	Tennessen
Coleman	Keefe, S.	Milton	Schaaf	Ulland, J.
Davies	Kirchner	Nichols	Schmitz	Vega
Dieterich	Kleinbaum	Ogdahl	Setzepfandt	

Messrs. Chmielewski, Gunderson, Schrom and Strand voted in the negative.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the

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

S. F. No. 448: A bill for an act relating to public safety; requiring implementation of 911 emergency telephone systems; providing for standards and waivers; appropriating money.

Senate File No. 448 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 20, 1977

CONCURRENCE AND REPASSAGE

Mr. Keefe, S. moved that the Senate concur in the amendments by the House to S. F. No. 448 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 448: A bill for an act relating to public safety; telephone companies; providing for local emergency telephone service; appropriating money.

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

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

The roll was called, and there were yeas 42 and nays 1, as follows:

Those who voted in the affirmative were:

Bang	Gearity	Lessard	Perpich	Staples
Benedict	Gunderson	McCutcheon	Peterson	Stokowski
Bernhagen	Hanson	Menning	Purfeerst	Strand
Brataas	Hughes	Milton	Renneke	Stumpf
Chmielewski	Keefe, S.	Nelson	Schaaf	Ulland, J.
Davies	Kirchner	Nichols	Schmitz	Vega
Dieterich	Kleinbaum	Ogdahl	Setzepfandt	
Engler	Knutson	Olson	Sieloff	
Frederick	Laufenburger	Penny	Sikorski	

Mr. Ashbach voted in the negative.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 90: A bill for an act relating to soil and water conservation; adding the commissioner of natural resources as an ex-officio member of the state soil and water conservation board;

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

Senate File No. 90 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 20, 1977

CONCURRENCE AND REPASSAGE

Mr. Stumpf moved that the Senate concur in the amendments by the House to S. F. No. 90 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 90 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Penny	Staples
Bang	Gunderson	Lessard	Perpich	Stokowski
Benedict	Hanson	McCutcheon	Peterson	Strand
Bernhagen	Hughes	Menning	Purfeerst	Stumpf
Brataas	Keefe, S.	Milton	Schaaf	Ulland, J.
Chmielewski	Kirchner	Nelson	Schmitz	Vega
Davies	Kleinbaum	Nichols	Setzepfandt	
Dieterich	Knoll	Ogdahl	Sieloff	
Engler	Knutson	Olson	Sikoraki	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 937:

H. F. No. 937: A bill for an act relating to Ramsey county; deleting obsolete provisions in the Ramsey county code relating to parks and recreation; amending Laws 1974, Chapter 435, Section 1.0205.

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

Cohen, Kostohryz and Hanson have been appointed as such committee on the part of the House.

House File No. 937 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 20, 1977

Mr. Stumpf moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 937, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 293 and repassed said bill in accordance with the report of the Committee, so adopted.

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

House File No. 293 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 19, 1977

CONFERENCE COMMITTEE REPORT ON H. F. NO. 293

A bill for an act relating to waters; authorizing conveyance of the Blackduck Lake outlet dam and empowering the town of Hines in Beltrami county to acquire, maintain and operate it.

May 17, 1977

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

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 293, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 293 be amended as follows:

Page 1, line 14, after "county" delete the comma

Page 1, line 20, delete "378.34, and 378.35"

Page 1, line 22, after the period insert "The electors of the town of Hines may levy taxes for the maintenance and operation of any dam conveyed pursuant to section 1 subject to the limitations specified in section 275.10."

Further, amend the title, as follows:

Page 1, line 4, after "maintain" insert a comma

Page 1, delete line 5, and insert "operate and levy taxes for such purposes."

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

House Conferees: (Signed) Irvin N. Anderson, Henry J. Savelkoul.

Senate Conferees: (Signed) Bob Lessard, Robert G. Dunn, Myrton O. Wegener.

Mr. Lessard moved that the foregoing recommendations and Conference Committee Report on H. F. No. 293 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

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

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

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

The roll was called, and there were yeas 40 and nays 0, as follows:

Those who voted in the affirmative were:

Aashbach	Engler	Knoll	Ogdahl	Setzepfandt
Bang	Gearty	Knutson	Penny	Sieloff
Benedict	Gunderson	Laufenburger	Perpich	Sikorski
Bernhagen	Hanson	Lessard	Peterson	Staples
Brataas	Hughes	McCutcheon	Purfeerst	Strand
Chmielewski	Keefe, S.	Menning	Schaaf	Stumpf
Davies	Kirchner	Nelson	Schmitz	Ulland, J.
Dieterich	Kleinbaum	Nichols	Schrom	Vega

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted:

H. F. No. 1236.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 1977

FIRST READING OF HOUSE BILLS

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

H. F. No. 1236: A bill for an act relating to water; requiring that new domestic wells be registered with the local soil and water conservation district; requiring that the commissioner of natural resources be notified of the appropriation of water for domestic use; requiring pumping tests and monitoring on large wells, and providing for exceptions; changing criteria for issuance of ground-water appropriation permits; creating a water planning board in the executive branch; appropriating money; amending Minnesota Statutes 1976, Sections 105.41, Subdivisions 1 and 1a; 105.44, Subdivision 8, and by adding subdivisions; and 105.45.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1201, now on Special Orders.

RECESS

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

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

CALL OF THE SENATE

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

Ashbach	Gearty	Lessard	Perpich	Staples
Bang	Gunderson	Lewis	Pillsbury	Stokowski
Benedict	Hanson	McCutcheon	Purfeerst	Stumpf
Brataas	Hughes	Milton	Schaaf	Tennessen
Coleman	Keefe, J.	Moe	Schmitz	Vega
Davies	Keefe, S.	Nelson	Schrom	
Dieterich	Kleinbaum	Nichols	Sieloff	
Engler	Knoll	Olson	Sikorski	
Frederick	Knutson	Penny	Spear	

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

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 124: A bill for an act relating to women; establishing pilot programs to provide emergency shelter and support services to battered women; providing funds to establish community education programs about battered women; providing for data collection; waiving certain general assistance eligibility requirements for

battered women; appropriating money; amending Minnesota Statutes 1976, Section 256D.05, by adding a subdivision.

Senate File No. 124 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 20, 1977

Mr. Lewis moved that the Senate do not concur in the amendments by the House to S. F. No. 124 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1510 and repassed said bill in accordance with the report of the committee, so adopted.

H. F. No. 1510: 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; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

H. F. No. 1510 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 19, 1977

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1510

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; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

May 17, 1977

The Honorable Martin O. Sabo
Speaker of the House of Representatives
The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1510, report that we have agreed upon the items in dispute and recommend as follows:

Strike everything after the enacting clause and insert:

"Section 1. [EDUCATION; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal year indicated for each purpose. The figures "1977", "1978", and "1979", wherever used in this act, mean that the appropriation or appropriations listed thereunder or therefor shall be available for the year ending June 30, 1977, June 30, 1978, or June 30, 1979, respectively.

APPROPRIATIONS

Available for the Year

Ending June 30,

1978

1979

\$

\$

Sec. 2. DEPARTMENT OF EDUCATION

Approved Complement—

	1978	1979
State—	509.87	508.87
Federal—	218.7	218.7

Subdivision 1. General Academic and Related Services

1,590,268	1,607,747
-----------	-----------

(a) Salaries, Supplies, and Expenses

1978	1979
\$1,490,268	\$1,507,747

(b) Microfilming of teacher license files

\$100,000	\$100,000
-----------	-----------

The department shall not reduce instructional services consultant positions in those subject areas where there is only one consultant position.

Any unexpended balance remaining in (b) in the first year shall not cancel, but shall be available for the second year of the biennium.

Of the amount provided by this subdivision, \$15,676 in 1978 and \$15,739

	1978	1979
	\$	\$

in 1979 is appropriated from the trunk highway fund.

Subd. 2. Vocational Technical Instruction and Related Services

	1,741,839	1,727,449
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(a) Salaries, Supplies, and Expenses

\$1,721,839	\$1,727,449
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(b) Revolving fund for on-the-job training program

\$20,000

Provided that the funds in (a) shall not be used to pay for more than 75 percent of the Independent Telephone Communications Training Program and the Minnesota Electric Cooperative Linepersons Training Program, and further provided that the appropriate industry or association is required to pay at least 25 percent of the cost of each program.

Funds in (b) are for the purpose of acting as the state approving agency, as authorized by 38 U.S.C. Chapter 36. All funds received from the federal government for this purpose shall be deposited in the general fund and are reappropriated for that purpose.

Notwithstanding any provisions to the contrary, the commissioner of finance shall not increase the number of positions in vocational education supported by federal funds above the approved federal complement of 42.7, until he has consulted with the chairmen of the senate finance committee and the house appropriations committee.

Subd. 3. Special and Compensatory Instruction and Related Services

4,814,842	4,760,816
-----------	-----------

(a) Salaries, Supplies and Expenses

\$4,314,842	\$4,260,816
-------------	-------------

(b) Claims, Grants, and Shared Revenue Indian Scholarships

\$500,000	\$500,000
-----------	-----------

The department of education shall make a study of program space needs

1978

1979

\$

\$

at the Minnesota Braille and Sight-Saving school and submit the results of the study to the legislature by January 1, 1978. The study shall include consideration of the use of existing state buildings.

Of the amount in (a) for the first year, \$97,140 is for repair and purchase of equipment at the Minnesota School for the Deaf, the Minnesota Braille and Sight-Saving School, and the Regional Library for the Blind. Any unexpended balance from this \$97,140 at the end of the first year shall not cancel but shall be available for the second year of the biennium.

The department of education may use the funds appropriated in (a) to hire additional human services technicians at the Minnesota School for the Deaf and the Minnesota Braille and Sight-Saving School provided, however, that the department shall not increase the complement by more than two human services technicians at each school.

Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 4. Education Planning, and Development

1,126,855

1,178,527

(a) Salaries, Supplies, and Expenses

\$526,855

\$528,527

(b) Claims, Grants and Shared Revenue

\$600,000

\$650,000

Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 5. School Management and Services

9,218,488

8,019,667

(a) Salaries, Supplies, and Expenses

\$1,368,488

\$1,016,750

1978

1979

\$

\$

\$331,926 in 1978 and \$9,125 in 1979 is for redesign of the Department's Management Information System. Any unexpended balance remaining for this purpose in the first year shall not cancel but shall be available for the second year of the biennium.

(b) Claims, Grants, and Shared Revenue

\$4,550,000

\$3,639,929

Of the amount in (b) \$175,000 in 1978 is for Uniform Financial Accounting Reporting System (UFARS) regional staff. \$1,683,000 in 1978 and \$879,000 in 1979 is for support of regional management information centers. \$2,692,000 in 1978 and \$2,760,929 in 1979 is for salaries and expenses of the Minnesota education computing consortium.

The department shall charge MECC users for on-line computer time actually used, such receipts shall be deposited in the Minnesota educational computing consortium account, and are reappropriated to the Minnesota educational computing consortium.

The department of education in consultation with MECC shall submit to the chairman of house appropriations and the chairman of senate finance no later than July 15 and December 31 of each year a progress report, proposed plans, and expenditures.

(c) School Lunch Program claims, grants, and shared revenue

\$3,300,000

\$3,362,988

Of the amount in (c) \$300,000 in 1978 and \$325,000 in 1979 is for food storage costs for USDA donated commodities.

Of the amount provided in (c), so much thereof as is necessary shall be used for the type "A" lunch program.

Any unexpended balance remaining in (b) or (c) in the first year shall not

	1978	1979
	\$	\$
cancel but shall be available for the second year of the biennium.		
Subd. 6. Auxiliary and General Support Services	1,740,413	1,716,907
Salaries, Supplies, and Expenses		
\$1,740,413	\$1,716,907	

The board of teaching shall evaluate its staffing needs and submit a report to the legislature by January 1, 1978.

Subd. 7. Public Library Services and Inter-Library Cooperation	2,507,775	2,907,152
(a) Salaries, Supplies, and Expenses		
\$357,775	\$357,152	
(b) Claims, Grants, and Shared Revenue		
\$2,150,000	\$2,150,000	
(c) Claims, Grants and Shared Revenue		
Contingency		
— 0 —	\$400,000	

Any unexpended balance remaining in (b) in the first year shall not cancel but shall be available for the second year of the biennium.

The amount appropriated in (c) shall become available upon enactment of legislation establishing a new distribution formula and implementation of the formula by the department.

To qualify for the state library grant herein authorized, local levies for libraries shall not be less than the library levies payable in 1977.

The appropriations in (b) and (c) are limited to libraries' operating purposes only.

Subd. 8. Civil Service Salary and Fringe Adjustments	975,435	1,103,031
Of the amount provided by this subdivision, \$1,494 in 1978 and \$1,738 in 1979 is appropriated from the trunk highway fund.		

	1978	1979
	\$	\$
<p>Subd. 9. Except as provided in Minnesota Statutes, Section 3.925, none of the amounts appropriated in subdivisions 3, 4, 5, and 7 listed as claims, grants and shared revenues on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance, shall be transferred to any other expenditure category other than that for which it was appropriated.</p> <p>The department of education shall not use any federal or other funds for the purpose of continuing any positions which have been deleted from the department's complement as shown on official conference committee work papers.</p>		
<p>Sec. 3. HIGHER EDUCATION CO-ORDINATING BOARD</p>		
Subdivision 1. Salaries and Expenses	904,450	926,237
<p>This appropriation includes money for the administration of the state scholarship, state grant-in-aid, student loan, budget review program review, and private college contracts.</p>		
Subd. 2. MOIS Revolving Fund	50,000	
<p>There is established in the state treasury a Minnesota occupational information system revolving fund. The board shall charge MOIS users for services provided them. Receipts shall be deposited in the MOIS revolving fund, and are appropriated to the board for the purposes of the Minnesota occupational information system. The general fund shall be reimbursed \$50,000 by June 30, 1981.</p>		
Subd. 3. State Scholarship Program	7,589,033	9,163,951
Subd. 4. State Grant-In-Aid Program	13,650,000	16,650,000
Subd. 5. Work Study Program	1,600,000	1,600,000
Subd. 6. Foreign Student Loans	80,000	80,000
Subd. 7. Minitex Library Program	400,000	425,000

	1978	1979
	\$	\$
Subd. 8. Private College Contracts	4,400,000	4,800,000
Subd. 9. Regional Coordination and Service	239,071	247,148
Subd. 10. Any unexpended balance remaining the first year in subdivisions 1, 3, 4, 6, 7, and 8 shall not cancel but shall be available for the second year of the biennium.		
Subd. 11. Medical Student Loan Reserve	30,000	30,000
Subd. 12. Education of Dependents	10,000	10,000
Sec. 4. STATE UNIVERSITY BOARD		

Subdivision 1. Maintenance and Equipment	65,131,643	68,221,450
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Within the funds appropriated for the purpose by the 70th legislature, the commissioner of personnel and the state university board are authorized to implement those provisions of the collective bargaining agreements negotiated with the Inter-Faculty Organization/Minnesota Education Association and the Minnesota State University Association of Administrative and Service Faculty, which establish wages and economic fringe benefits.

The amounts appropriated in subdivisions 1 and 2 include a sum in each year for recruitment of unclassified staff.

Notwithstanding any other law to the contrary, the state university board may purchase public liability insurance to protect those nonemployees involved in activities ancillary to the programs of the agency. These activities shall include, but not be limited to: (a) fine art exhibitions, where the intent is to insure the artist's works; (b) personal property of nonemployees which is used by the agency for its auxiliary enterprises; (c) personal professional liability insurance for students when required by clinical training institutions, as a condi-

	1978	1979
	\$	\$
tion for use of the clinical facilities; (d) students while involved in educational program related field trips, tours and other off-campus activities; (e) medical and hospitalization insurance for students participating in intercollegiate, intramural and extramural programs; (f) property insurance for Auxiliary Enterprises assets, including inventory to be paid from Auxiliary Enterprises proceeds; (g) otherwise uncompensated contractors who allow state agencies to use contractor facilities and equipment.		
Subd. 2. State University Board Contingent	750,000	
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.		
This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided by Minnesota Statutes, Section 3.30.		
Subd. 3. Student Loans—State Matching	175,000	175,000
This appropriation shall be used as the state's matching share for any federal student aid or loan program.		
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium. No portion of the appropriation shall be used to defray obligations incurred prior to July 1, 1977.		
Subd. 4. Repairs and Betterments	808,868	864,666
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.		
Subd. 5. A report shall be submitted to the 71st session of the legislature as to the use of all money exempt from budgetary control by the commissioner of finance pursuant to Minnesota Statutes, Sections 136.11, Subdivision 5; 136.144; and 136.37.		

	1978	1979
\$		\$

Subd. 6. Notwithstanding the provisions of any law to the contrary, the state university board may provide for the orderly replacement of aircraft. An equipment suspense account shall be established by the commissioner of finance within the general fund. All receipts that are attributable to the operation or use of aircraft are reappropriated to the state university board. These receipts, or a portion thereof as may be designated by the board, shall be credited to the equipment suspense account. Any balance in this account shall not cancel at the end of a fiscal year but shall remain available for transfer at the request of the board to its maintenance and equipment account.

Sec. 5. STATE COMMUNITY COLLEGE BOARD

Subdivision 1.

29,358,615	30,962,847
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Section 4 of Article X of the Professional Staff Agreements, as negotiated between the state board for community colleges and the Minnesota Community College Faculty Association shall not be implemented during the 1977-79 biennium and the agreement is approved as modified. The board and the association are directed to agree upon a salary schedule for fiscal year 1978 and for fiscal year 1979, that shall not exceed a salary adjustment of 7 percent for fiscal year 1978 and a salary adjustment of 7 percent for fiscal year 1979.

This appropriation is for maintenance and equipment of the state community college board and the state community colleges. The state community colleges are encouraged to use off-campus courses to extend the benefits of this appropriation to as many Minnesota residents as possible.

Notwithstanding any other law to the contrary, the board for community colleges may purchase insurance coverage as follows:

	1978	1979
	\$	\$

Personal professional liability insurance for students when required by clinical training institutions, as a condition for use of the clinical facilities.

Medical and hospitalization insurance for students participating in intercollegiate, intramural and extramural programs.

Blanket personal property insurance for fine art displays, including but not limited to, paintings, photographs, sculptures, exhibited on a community college campus.

Property insurance for Auxiliary Enterprise assets, including inventory to be paid from Auxiliary Enterprises proceeds.

Subd. 2. Occupational Program Development

300,000

Prior to use of this appropriation the chancellor of the community college system shall submit the proposed program and expenditures for review by the chairmen of the house appropriations and senate finance committees.

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

Subd. 3. St. Paul Learning Center

40,000

50,000

Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.

The board shall report to the committee on finance of the senate and the committee on appropriations of the house of representatives by March 1, 1978 for the first year and January 1, 1979 for the second year on the use of the money in this appropriation.

Subd. 4. Student Loan Program—
State Matching

85,000

90,000

This appropriation shall be used as the state's matching share for any federal student aid or loan programs.

	1978	1979
	\$	\$
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.		
Subd. 5. State Community College Board Contingent	300,000	
Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.		
This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission, as provided by Minnesota Statutes, Section 3.30		
Subd. 6. Repairs and Betterments	405,431	374,760
Any unexpended balances remaining in the first year shall not cancel but shall be available for the second year of the biennium.		
Subd. 7. Special Assessments	235,215	
Sec. 6. UNIVERSITY OF MINNESOTA		
Subdivision 1. Operations and Maintenance	150,521,248	156,979,440
These appropriations are made from:		
(a) Income derived from investment of the permanent university fund, which is appropriated to the university as provided in Minnesota Statutes, Section 137.022. It is estimated that this income will not exceed \$2,500,000 for the first year and \$2,500,000 for the second year; and		
(b) The general fund. It is estimated that the amount required from the general fund will be at least \$148,021,248 for the first year and \$154,479,440 for the second year.		
On October 1, 1978 and 1979 the president of the university of Minnesota shall furnish the house appropriations and senate finance committees and the commissioner of finance the following information:		
(1) The total amount of receipts during the fiscal year 1978 from all		

1978

1979

\$

\$

sources in excess of \$68,889,000 and during the fiscal year 1979 from all sources in excess of \$72,929,000;

(2) The sources of these receipts; and

(3) The purposes for which any excess receipts were expended and accounts to which transferred.

The board of regents shall certify to the commissioner of finance at the end of each quarter the amount of earnings derived from the investment of the permanent university fund.

If this income during any fiscal year exceeds the amounts stated in (a) above the amount payable from the general fund shall be reduced accordingly.

The university is requested to review the staffing patterns at the two technical campuses. Recommendations leading toward equalization shall be included in the 1979 budget request.

In preparing the university's legislative budget request for the 1979-1981 biennium, all projected income from student tuition shall be based on a charge per credit hour schedule.

The university shall explore the possibility of developing and implementing a self insurance program. A report of the findings and recommendations shall be submitted to the legislature no later than January 15, 1978.

Any excess funds in the above appropriation resulting from delayed completion or occupancy of new space as projected in the budget document shall cancel to the general fund.

In the event that federal funds continue to be available for CETA positions at the Duluth and Morris campus, the appropriated state funds shall cancel.

The university is directed to take the necessary steps to insure faculty salary equalization among the twin cities and

	1978	1979
\$		\$
coordinate campuses and submit a progress report to the legislature by January 15, 1979.		
Subd. 2. Equipment Replacement	500,000	500,000
Subd. 3. Student Loans — State Matching	250,000	250,000
This appropriation shall be used as the state's matching share for any federal student aid or loan program. Any unexpended balance remaining in the first year shall not cancel but shall be available for the second year of the biennium.		
Subd. 4. Library Supplement	1,186,300	1,186,300
Subd. 5. Intercollegiate Athletics	594,400	660,200
This appropriation shall be used only for the support of a women's intercollegiate athletic program.		
Subd. 6. Summer School Tuition and Continuing Education Supplement	772,521	772,521
The board of regents shall expend this money to equalize tuition rates among undergraduate students for regular session, summer session and extension programs in order to facilitate to the maximum the use of campus units, buildings and staff.		
Subd. 7. Graduate Residency Program	2,967,128	2,967,128
All hospitals receiving any portion of this appropriation shall furnish the house appropriations and senate finance committees with a full report no later than March 1, 1978, of all actual and reasonable costs resulting from graduate family practice residency education, and all fees and income to the hospital generated by the graduate residents in family practice and the purposes for which this money was expended. Expenditures from this appropriation shall be made only for activities directly related to the training of doctors in family practice.		
Subd. 8. Medical Services and Instruction	1,086,802	1,086,802

	1978	1979
	\$	\$

This appropriation includes money for the rural health physicians' associate program, drug abuse information and education, and public health and nurse clinician generalist program. The university shall submit a progress report on the drug abuse program by January 15, 1979.

Subd. 9. Health Sciences Contingent 3,563,126

Portions or all of the above appropriation shall become available upon submission of required documentation that federal health sciences capitation funds have been reduced or phased out. Replacement of any capitation grant losses or reductions shall be computed by using the fiscal year 1976 level as the base year. All requests shall be reviewed by the chairmen of the house appropriations and senate finance committees whose recommendations shall be advisory only. Failure to make a recommendation promptly shall be deemed a negative recommendation.

Subd. 10. Duluth Campus

(a) Basic Sciences Program for Medical Training	1,681,166	1,895,433
(b) Dental Hygiene Program	199,156	199,156
(c) Graduate School of Social Work	378,594	378,594

Subd. 11. Special—Civil Service Salary and Fringe adjustments	2,365,964	3,527,891
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Sec. 7. UNIVERSITY OF MINNESOTA; RESEARCH

Subdivision 1. General Research	1,390,340	1,390,340
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This appropriation is, as the board of regents may direct, for general research, business and economic research including Duluth, training for careers in fire prevention and protection, center for urban and regional affairs, museum of natural history, and juvenile justice seminar.

Subd. 2. General Agricultural Research	6,027,964	6,027,964
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This appropriation includes money for

	1978	1979
\$	\$	
research on aquatic plants (including wild rice), soybeans, avian disease, corn improvement and irrigation.		
Subd. 3. Hormel Institute—Austin	105,000	105,000
To support the operation of the institute and to promote research by the institute.		
Subd. 4. Medical Research	1,203,524	1,233,524
Subd. 5. Veterinary Diagnostic Laboratory and Teaching Hospital	636,203	636,203
Subd. 6. Geological Survey	427,514	427,514
Subd. 7. Lake Superior Basin Studies	56,136	56,136
The University shall submit a progress report to the 1979 legislature.		
Subd. 8. Freshwater Biological Research Institute	154,209	154,209
Sec. 8. UNIVERSITY OF MINNESOTA; COMMUNITY SERVICES		
Subdivision 1. Agricultural Extension Service	5,728,879	5,750,000
This appropriation includes money for agriculture extension work, county agricultural agents, home demonstration and 4-H club work, and soil conservation. Any salary increases granted by the university to personnel paid from this appropriation shall not result in a reduction of the county portion of the salary payments.		
This appropriation includes money each year for the potato and sugar beet extension program in the Red River Valley, contingent on an equal amount being provided by the state of North Dakota.		
Subd. 2. For State's Share of Expenses of County Indigent Patients	2,000,000	2,000,000
Subd. 3. Special Hospitals, Community Service, and Educational Offset	5,205,846	5,205,846
Fees for service furnished to counties and individuals under this program shall be sought to augment the money		

	1978	1979
	\$	\$

appropriated; the fees are appropriated to the university hospitals.

Subd. 4. Industrial Relations Education Program

374,898

374,898

This appropriation includes money for short courses, programs, and seminars for labor and management.

Sec. 9. MAYO MEDICAL SCHOOL

1,184,000

1,208,000

The state of Minnesota shall pay a capitation of \$8,000 for each student who is a resident of Minnesota for a maximum of 40 such students in each class.

Sec. 10. WORKERS' COMPENSATION

For 1977—\$108,971

To be transferred by the commissioner of finance to the department of labor and industry compensation revolving fund, in payment of obligations incurred by the following agencies in the amounts as indicated:

Community College Board

10,716

State University Board

98,255

Sec. 11. UNEMPLOYMENT COMPENSATION

For 1977—\$350,306

To the commissioner of finance for transfer to the unemployment compensation fund in reimbursement for unemployment compensation benefits paid to former employees of the following agencies in the amounts as indicated:

Community College System

63,007

State University Board

285,955

Higher Education Coordinating Board

1,344

Sec. 12. Minnesota Statutes 1976, Section 120.17, Subdivision 7a, is amended to read:

Subd. 7a. [ATTENDANCE AT SCHOOL FOR THE HANDICAPPED.] Responsibility for special instruction and services for a visually disabled or hearing impaired child attending the

Minnesota school for the deaf or the Minnesota braille and sight-saving school shall be determined in the following manner:

(a) The legal residence of the child shall be the school district in which his parent or guardian resides ;

(b) When it is determined pursuant to section 128A.05, subdivisions 1 or 2 that the child is entitled to attend either school, the state board shall provide the appropriate educational program for the child. The state board shall make a tuition charge to the child's district of residence for the actual cost of providing the program; provided, however, that the amount of tuition charged shall not exceed \$2,000 for any school year. The district of the child's residence shall pay the tuition and may claim foundation aid for the child. All tuition so received shall be deposited in the state treasury, subject to the order of the state board;

(c) When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the school district where the institution is located shall provide an appropriate educational program for the child and shall make a tuition charge to the state board for the actual cost of providing the program, less any amount of aid received pursuant to section 124.32. The state board shall pay the tuition and other program costs including the unreimbursed transportation costs. Aids for handicapped children shall be paid to the district providing the special instruction and services. Special transportation shall be provided by the district providing the educational program and the state shall reimburse such district within the limits provided by law.

Sec. 13. Minnesota Statutes 1976, Section 128A.02, Subdivision 3, is amended to read:

Subd. 3. The state board may employ central administrative staffs and other personnel as necessary to provide and support programs and services in each school. *The residential school administrator shall serve in the unclassified service at the pleasure of the commissioner of education.* These schools shall be deemed to be public schools for the purposes of sections 125.03 and 125.04, and all teachers as defined in those sections who are employed at these schools shall be subject to the standards of the board of teaching and the state board of education; provided that any teacher who does not meet these standards as of July 1, 1977 shall be required to meet these standards by September 15, 1978 1980 in order to continue in employment.

Sec. 14. Minnesota Statutes 1976, Section 128A.06, Subdivision 1, is amended to read:

128A.06 [ADMITTANCE AND DISCHARGE.] Subdivision 1. The admissions and discharge committee of each school shall include ~~the field consultant of the applicable school and four~~ *five* members who are knowledgeable in the fields of hearing impairment or visual disability, as applicable, to be appointed by the state board.

Sec. 15. Minnesota Statutes 1976, Section 128A.07, is amended to read:

128A.07 [EXPENSE OF PUPILS.] Any individual attending the school for the deaf or the braille and sight-saving school shall be provided, by the person legally liable for his support, with sufficient funds to furnish him with proper clothing, postage, and necessary incidental expenses. If the person legally liable for his support is unable to make these provisions for him, the county welfare board of the county of which he is a resident shall pay to the superintendent of the school in which he is a pupil a sum to be fixed by the commissioner of education pursuant to rules promulgated by the state board. In addition, the school district of residence shall be liable for the actual transportation of the pupil to and from the school in which he is a pupil.

Applicants from other states who can benefit by being enrolled may be accepted so long as acceptance does not preclude acceptance of an eligible Minnesota resident. The commissioner of education shall obtain reimbursement from other states for the costs incurred in connection with nonresidents accepted and may contract with the appropriate authorities of other states to effect reimbursement. All money received from other states shall be paid to the state treasurer and placed in the general fund subject to the order of the state board.

Sec. 16. Minnesota Statutes 1976, Section 136A.121, Subdivision 3, is amended to read:

Subd. 3. [ALLOCATION AND AMOUNT.] (1) Scholarships and grants-in-aid shall be awarded annually on a funds available basis to those first year students and transfer students *applicants for initial awards and applicants for renewal awards* who meet the board's requirements;

(2) A financial stipend shall accompany scholarship awards if the scholarship winner demonstrates financial need and will attend an eligible institution. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100 but in no event shall exceed one-half of the applicant's financial need *or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants' need, whichever is lesser*. Scholarship winners who do not demonstrate financial need under criteria prescribed by the board shall be awarded honorary scholarships;

(3) A financial stipend based on financial need shall accompany grants-in-aid. Financial stipends shall range from a maximum of \$1,100 to a minimum of \$100, but in no event shall exceed one-half of the applicant's financial need *or an amount which if combined with the amount of a federal basic educational opportunity grant for which the applicant is eligible equals 75 percent of the applicants' need, whichever is lesser*;

(4) In dispensing available funds in a given year, priority shall be given on the following basis:

Renewal scholarships and grants-in-aid.

Thereafter, until the funds are exhausted, to first year and transfer applicants, on the basis of their rank in the case of scholarships,

and on the basis of need with first year and transfer applicants treated as a single pool of applicants in the case of grants-in-aid, as determined by standards prescribed by the board.

(5) Each scholarship or grant-in-aid shall be awarded for one academic year but shall be renewable until a total of eight semesters or twelve quarters or their equivalent have been covered, or a baccalaureate degree obtained, whichever occurs first;

(6) Each scholarship or grant-in-aid shall be renewable, contingent on continued residency in Minnesota, United States citizenship, satisfactory academic standing and recommendation of the college or vocational school and, in the case of financial assistance, evidence of continued need;

(7) The student must apply for renewal of his scholarship or grant-in-aid each year;

(8) The student must continue to attend an eligible institution;

(9) All scholarship winners shall be notified of their award by the board and shall be given appropriate evidence of the award;

(10) All grant-in-aid recipients shall be duly notified thereof by the board;

(11) Financial scholarships and grants-in-aid awarded under the terms of sections 136A.09 to 136A.131 shall be applied to educational costs in the following order: tuition, fees, books, supplies and other expenses. Unpaid portions of such awards shall revert to the board scholarship or grant-in-aid account.

Sec. 17. Minnesota Statutes 1976, Section 141.24, is amended to read:

141.24 [ADVISORY COUNCIL.] The Minnesota advisory council on private trade, business and correspondence schools is hereby created consisting of 16 members to be appointed by the state board of education as follows: two members, each from trade, business, correspondence, and paramedical schools; one member each representing the secondary school principals and guidance counselors; one member representing agriculture, business or management, organized labor, and health occupations, and two members representing the general public. The state board of education shall appoint such members to the advisory council within 30 days of November 15, 1969. Each member shall be appointed for a four year term except that in making appointments for the first term, the state board of education shall, so far as practicable appoint eight members representative of each category, for a two year term. The council shall expire and the terms, compensation and removal of members shall be as provided in section 15.059. The state board of education shall appoint the council chairman from the council membership and the secretary from the professional staff of the department of education who will serve ex officio. The attorney general shall appoint an attorney to serve as legal counsel for the council. The council shall advise the commissioner and the state board of education in promoting the growth, ethical, economic, and successful operation of the schools subject to the act

in informing the public by the dissemination of public information regarding private business, trade, and correspondence schools licensed pursuant to this chapter, provided that data obtained pursuant to section 141.30 shall not be divulged except as therein provided ; protecting the interests of the prospective and enrolled students of such schools; and advising the commissioner and the state board of education in formulating rules and regulations contemplated in section 141.23.

Sec. 18. Minnesota Statutes 1976, Section 141.36, is amended to read:

141.36 [PUBLIC POLICY (CURRENT).] It shall be the public policy of the state to protect all persons and schools covered by sections 141.21 to 141.36 from unfounded charges, complaints or harassment, and to promote the growth, ethical, economic and successful operation of the schools subject to sections 141.21 to 141.36, and to protect the interests of prospective and enrolled students and to inform the public by the dissemination of public information regarding private business, trade, and correspondence schools licensed pursuant to this chapter, provided that data obtained pursuant to section 141.30 shall not be divulged except as therein provided .

Sec. 19. Minnesota Statutes 1976, Section 197.78, is amended to read:

197.78 [STATE EDUCATIONAL PROGRAMS UNAVAILABLE THROUGH FEDERAL PROGRAMS.] *Subdivision 1.* The state board of education shall foster and support educational programs for the benefit of veterans to assure that no Minnesotan shall be deprived of his earned veterans benefits by virtue of the unavailability of programs for which the veteran is entitled to enroll and receive subsistence, tuition, and other benefits under federal programs. It shall be the responsibility of the state board to measure the demand for veterans service educational programs based on the criteria mandated by federal veterans benefits laws and to authorize, promote, and make grants within appropriated amounts to assure such program availability.

Subd. 2. The state board of education is authorized to maintain a contractual relationship with the United States as authorized by 38 U.S.C., Chapter 36, and subsequent amendments thereto, in which the state board shall agree to act as the state approving agency for purposes of federal veterans' educational benefits. The state board of education shall also have authority to adopt rules and regulations to fulfill its obligations as the state approving agency.

Sec. 20. *Subdivision 1.* Effective October 1, 1977, no funds appropriated by the state shall be transferred to or expended with or by the Minnesota educational computing consortium unless the consortium adheres to the provisions of Minnesota Statutes, Chapters 15, 16, excepting sections 16.90 and 16.94 thereof, 16A and 43.

Subd. 2. Notwithstanding the provisions of subdivision 1, the consortium is authorized to maintain a revolving fund for all receipts derived from computer services provided by the consortium and further provided that the consortium board may establish one management position in the unclassified service.

Sec. 21. [MINNESOTA EDUCATIONAL COMPUTING CONSORTIUM, CONTRACTS.] *The Minnesota educational computing consortium, created and now existing pursuant to Minnesota Statutes, Section 471.59, its members and elementary-secondary and vocational school regional computing centers, are authorized to provide computer services to private educational institutions and to other individuals or groups in the event that MECC has computer service capabilities in excess of need and to establish and collect fees therefor. Provided, however, that the fees shall in no event be less than the cost of providing the services.*

Sec. 22. *There is hereby created a post-secondary education consortium for southwestern and west central Minnesota which shall have its principal office at southwest state university at Marshall. The purpose of the consortium shall be to improve the efficiency and effectiveness of post-secondary education, through increased interinstitutional cooperation and planning, in the area served by southwest state university and the university of Minnesota at Morris.*

The consortium shall be coordinated by a southwestern and west central Minnesota post-secondary education consortium board consisting of: the provost of the university of Minnesota, or his designee; the chancellor of the state university system, or his designee; the chancellor of the community college system, or his designee; the assistant commissioner for vocational-technical education within the state department of education, or his designee; the executive director of the higher education coordinating board, or his designee; and three persons representing the public at large who shall be appointed by the governor.

The board shall appoint an advisory committee consisting of: the provost at the university of Minnesota at Morris; the presidents of southwest state university and the community colleges at Willmar and Worthington; the directors of the vocational-technical institutes located in the area served; and seven citizen members who shall be residents of the area served by southwest state university. The citizen members shall be appointed for terms of two years, except that three of the initial appointments shall be for terms of one year. No more than one citizen member shall be appointed from a county.

The board is authorized to hire staff and incur other expenses as necessary for the purposes of this act.

Sec. 23. [REPEALER.] *Minnesota Statutes 1976, Section 128A.08, is repealed."*

Further, amend the title as follows:

Line 8, after the semicolon insert "creating a higher education consortium for southwestern Minnesota;"

Line 12, delete "179.69, Subdivisions 4 and 5;"

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

House Conferees: (Signed) Ray Faricy, Rod Searle, Stan Enebo, Mike Sieben, Bill Dean.

Senate Conferees: (Signed) Roger Moe, Robert Tennesen, Harmon Ogdahl, Peter Stumpf.

Mr. Moe moved that the foregoing recommendations and Conference Committee Report on H. F. No. 1510 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 1510: 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; creating a higher education consortium for southwestern Minnesota; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 7a; 128A.02, Subdivision 3; 128A.06, Subdivision 1; 128A.07; 136A.121, Subdivision 3; 141.24; 141.36; 179.69, Subdivisions 4 and 5; and 197.78; repealing Minnesota Statutes 1976, Section 128A.08.

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

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

The roll was called, and there were yeas 48 and nays 3, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Luther	Purfeerst	Staples
Bang	Hanson	Menning	Renneke	Stokowski
Benedict	Johnson	Milton	Schaaf	Strand
Bernhagen	Keefe, S.	Moe	Schmitz	Stumpf
Chmielewski	Kirchner	Nelson	Setzepfandt	Tennessen
Coleman	Kleinbaum	Nichols	Sieloff	Ulland, J.
Davies	Knoll	Olhoff	Sikorski	Vega
Dieterich	Laufenburger	Penny	Sillers	Wegener
Engler	Lessard	Perpich	Solon	
Gearty	Lewis	Peterson	Spear	

Mrs. Brataas and Messrs. Keefe, J. and Pillsbury voted in the negative.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 259 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 259: A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

House File No. 259 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 19, 1977

CONFERENCE COMMITTEE REPORT ON H. F. NO. 259

A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

May 18, 1977

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

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 259 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F.No. 259 be amended as follows:

Page 3, line 10, strike "No"

Page 3, line 11, after "insurance" insert "pursuant to sections 65B.15 and 65B.16"

Page 3, line 11, after "shall" insert "not"

Page 3, line 14, delete "certified"

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

House Conferees: (Signed) Randy C. Kelly, Ted Suss, and Michael George.

Senate Conferees: (Signed) Sam G. Solon, Jack I. Kleinbaum, and Steve Engler.

Mr. Solon moved that the foregoing recommendations and Conference Committee Report on H. F. No. 259 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 259: A bill for an act relating to insurance; requiring refund of unearned premium on cancellation of certain automobile insurance policies; amending Minnesota Statutes 1976, Section 65B.14; and Chapter 65B, by adding sections.

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

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

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Gunderson	Lewis	Perpich	Sillers
Benedict	Hanson	Luther	Peterson	Solon
Bernhagen	Johnson	McCutcheon	Pillsbury	Staples
Brataas	Keefe, J.	Menning	Purfeerst	Stokowski
Chmielewski	Keefe, S.	Milton	Renneke	Strand
Coleman	Kirchner	Moe	Schmitz	Tennessee
Davies	Kleinbaum	Nelson	Schrom	Ulland, J.
Dieterich	Knoll	Nichols	Setzepfandt	Vega
Engler	Laufenburger	Olhoft	Sieloff	Wegener
Gearty	Lessard	Penny	Sikorski	

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 1215 a Special Order to be heard immediately.

H. F. No. 1215: A bill for an act relating to environmental protection; prohibiting transportation of radioactive wastes into Minnesota for purposes of storage or disposal; providing exceptions; prescribing penalties.

Mr. Luther moved to amend H. F. No. 1215 as follows:

Page 1, line 9, strike "3" and insert "4"

Page 1, strike lines 11 to 22 and insert:

"Subd. 2. "By-product nuclear material" means any material, except special nuclear material, yielded in or made radioactive by:

(a) Exposure to the radiation incident to the process of producing or utilizing special nuclear material; or

(b) Exposure to radiation produced or accelerated in an atomic or sub-atomic particle accelerating machine."

Page 2, strike lines 1 to 2

Page 2, line 3, strike "5" and insert "3"

Page 2, after line 5, insert:

"Subd. 4. "Radiation" means any or all of the following: alpha rays, beta rays, gamma rays, high energy neutrons or protons or electrons, and other atomic particles, but not x-rays and electromagnetic radiations of wavelengths greater than 2,000 Angstrom units and sound waves.

Subd. 5. "Radioactive material" means any matter which emits radiation. Radioactive material includes special nuclear material, source nuclear material, and by-product nuclear material."

Page 2, strike lines 7 to 15 and insert:

"(a) Useless or unwanted capturable radioactive residues produced incidental to the use of radioactive material; or

(3) Useless or unwanted radioactive material; or

(c) Otherwise non-radioactive material made radioactive by contamination with radioactive material.

Radioactive waste does not include discharges of radioactive effluents to air or surface water when subject to applicable federal or state regulations or excreta from persons undergoing medical diagnosis or therapy with radioactive material or naturally occurring radioactive isotopes.

Subd. 7. "Radioactive waste management facility" means a geographic site, including buildings, structures, and equipment in or upon which radioactive waste is retrievably or irretrievably disposed by burial in soil or permanently stored."

Page 2, line 16, strike "7" and insert "8"

Page 2, line 21, after "Source" insert "nuclear"

Page 2, line 23, strike "8" and insert "9"

Page 2, after line 31, insert:

"Sec. 2. [116C.72] [RADIOACTIVE WASTE MANAGEMENT FACILITY.] Notwithstanding any provision of Minnesota Statutes, Chapter 116H, to the contrary, no person shall construct or operate a radioactive waste management facility within Minnesota unless expressly authorized by the Minnesota legislature."

Page 3, line 3, strike "sole"

Page 3, line 4, strike "disposing or storing the wastes within the state" and insert "disposal by burial in soil or permanent storage within Minnesota unless expressly authorized by the Minnesota legislature,"

Page 3, line 5, strike "such" and insert "radioactive"

Page 3, line 5, strike "and stored" and insert "for temporary storage"

Page 3, line 6, strike "rules" and insert "law"

Page 3, line 7, strike "for" and insert a period

Page 3, strike line 8

Page 3, line 9, strike "causing" and insert "who violates section 2 or who causes"

Page 3, line 10, strike "2" and insert "3"

Renumber the sections and proposed coding in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "prohibiting the construction or operation of radioactive waste management facilities within Minnesota;"

The motion prevailed. So the amendment was adopted.

Mr. Pillsbury moved to amend H. F. No. 1215 as follows:

Pages 2 and 3, strike sections 2 and 3.

Renumber the remaining section

Amend the title as follows:

Line 2, strike “; prohibiting”

Strike lines 3 and 4

Line 5, strike everything except the period

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 8 and nays 34, as follows:

Those who voted in the affirmative were:

Bernhagen	Frederick	Pillsbury	Schrom	Wegener
Brataas	Gunderson	Renneke		

Those who voted in the negative were:

Benedict	Hanson	Menning	Schaaf	Stokowski
Chmielewski	Johnson	Milton	Setzepfandt	Strand
Coleman	Keefe, S.	Nelson	Sieloff	Stumpf
Davies	Laufenburger	Olhoft	Sikorski	Tennessen
Dieterich	Lessard	Penny	Sillers	Ulland, J.
Engler	Lewis	Perpich	Spear	Vega
Gearty	Luther	Peterson	Staples	

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

H. F. No. 1215 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 41 and nays 16, as follows:

Those who voted in the affirmative were:

Benedict	Johnson	Milton	Peterson	Staples
Borden	Keefe, S.	Moe	Schaaf	Stokowski
Chmielewski	Knoll	Nelson	Schmitz	Strand
Coleman	Lessard	Nichols	Sieloff	Stumpf
Davies	Lewis	Olhoft	Sikorski	Tennessen
Dieterich	Luther	Olson	Sillers	Ulland, J.
Gearty	McCutcheon	Penny	Solon	Vega
Hanson	Menning	Perpich	Spear	Willet
Humphrey				

Those who voted in the negative were:

Bang	Frederick	Kleinbaum	Pillsbury	Schrom
Bernhagen	Gunderson	Knutson	Purfeerst	Setzepfandt
Brataas	Jensen	Laufenburger	Renneke	Wegener
Engler				

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

RECESS

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

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

APPOINTMENTS

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

H. F. No. 1582, pursuant to the request of the House:

Messrs. Schaaf, McCutcheon, and Perpich.

S. F. No. 124, pursuant to the request of the Senate:

Messrs. Lewis, Sikorski, and Kirchner.

H. F. No. 937, pursuant to the request of the House:

Messrs. Stumpf, Dieterich, and Sieloff.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Schaaf moved that S. F. No. 703, No. 41 on General Orders, be returned to its author. The motion prevailed.

Mr. Schaaf moved that S. F. No. 100, No. 40 on General Orders, be returned to its author. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 10:30 o'clock a.m., Saturday, May 21, 1977. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate