

## EIGHTIETH DAY

St. Paul, Minnesota, Wednesday, March 1, 1978

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

## CALL OF THE SENATE

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

Anderson	Dunn	Laufenburger	Pillsbury	Stumpf
Ashbach	Engler	Lewis	Schrom	Vega
Benedict	Gearty	Luther	Setzepfandt	Wegener
Borden	Jensen	Menning	Sillers	Willet
Brataas	Johnson	Merriam	Spear	
Chmielewski	Keefe, S.	Ogdahl	Staples	
Coleman	Kirchner	Penny	Stokowski	
Davies	Knoll	Peterson	Strand	

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

Prayer was offered by the Chaplain, Rev. Curtis A. Herron.

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

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Messrs. Frederick, Humphrey, Kleinbaum, McCutcheon, Perpich, Purfeerst, Schaaf, Schmitz and Tennesen were excused from the Session of today.

**EXECUTIVE AND OFFICIAL COMMUNICATIONS**

The following communications were received and referred to the committees indicated:

February 24, 1978

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

The following appointment to the Minnesota Pollution Control Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Art Engelbrecht, RFD #4, Alexandria, Douglas County, has been appointed by me, effective January 2, 1978, for a term expiring the first Monday in January, 1982.

Referred to the Committee on Agriculture and Natural Resources.

February 24, 1978

The following appointments to the Ethical Practices Board are hereby respectfully submitted to the Senate for confirmation as required by law:

Vernon Jensen, 2485 Linden Lane, Maplewood, Ramsey County, has been appointed by me, effective January 30, 1978, for a term expiring the first Monday in January, 1982.

Richard Temple, Route 5, Box 92, Alexandria, Douglas County, has been appointed by me, effective January 30, 1978, for a term expiring the first Monday in January, 1979.

Patrick Flanders, R.R. 3, Paynesville, Stearns County, has been appointed by me, effective January 30, 1978, for a term expiring January 1, 1981.

Referred to the Committee on Elections.

January 9, 1978

The following appointment to the Minnesota Pollution Control Agency is hereby respectfully submitted to the Senate for confirmation as required by law:

Steve Gadler, 2120 Carter Avenue, St. Paul, Ramsey County, has been appointed by me, effective January 2, 1978, for a term expiring the first Monday in January, 1982.

Referred to the Committee on Agriculture and Natural Resources.

February 28, 1978

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

Clarence Ettesvold, Route 1, Morris, Stevens County, has been appointed by me, effective January 1, 1978, for a term expiring the first Monday in January, 1982.

Referred to the Committee on Agriculture and Natural Resources.

Sincerely,  
Rudy Perpich, Governor

February 28, 1978

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

The Honorable Edward J. Gearty  
President of the Senate

I have the honor to inform you that the following enrolled Act of the 1978 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1978	Date Filed 1978
	404	463	February 27	February 27

Sincerely,

Joan Anderson Growe  
Secretary of State

#### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Chenoweth, Stumpf, Mrs. Knaak and Mr. Dieterich introduced—

S. F. No. 2346: A bill for an act relating to Ramsey county; creating the office of Ramsey county executive director; specifying qualifications, term of office and duties; amending Laws 1974 Chapter 435, by adding a section.

Referred to the Committee on Local Government.

Mr. Moe introduced—

S. F. No. 2347: A bill for an act relating to real estate; provid-

ing for settlement of boundary disputes involving agricultural land; limiting application of the doctrine of adverse possession; requiring certain surveys; amending Minnesota Statutes 1976, Section 541.02; and Chapter 559, by adding a section.

Referred to the Committee on Judiciary.

Mr. Vega introduced—

S. F. No. 2348: A bill for an act relating to the metropolitan transit area; providing for small business set-aside contracts; requiring reports; amending Minnesota Statutes 1976, Chapter 473, by adding sections.

Referred to the Committee on Employment.

Mr. Vega introduced—

S. F. No. 2349: A bill for an act relating to metropolitan government; regarding local ordinances for the disposal of solid and hazardous waste; amending Minnesota Statutes 1976, Section 473.811, Subdivision 5.

Referred to the Committee on Governmental Operations.

Mr. Johnson introduced—

S. F. No. 2350: A bill for an act relating to St. Louis county; authorizing one off-sale intoxicating liquor license.

Referred to the Committee on Commerce.

Mr. Stokowski introduced—

S. F. No. 2351: A bill for an act relating to trade regulations; requiring air supplies in service stations.

Referred to the Committee on Commerce.

Messrs. Merriam, Anderson, Stokowski and Schaaf introduced—

S. F. No. 2352: A bill for an act relating to judges; authorizing the employment of additional law clerks for the district courts; amending Minnesota Statutes 1976, Section 484.545, Subdivision 1.

Referred to the Committee on Judiciary.

Messrs. Johnson, Solon, Lessard, Willet and Ulland, J. introduced—

S. F. No. 2353: A bill for an act relating to game and fish; authorizing additional conservation officers.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Vega introduced—

S. F. No. 2354: A bill for an act relating to public welfare; providing social services to family units; appropriating money.

Referred to the Committee on Health, Welfare and Corrections.

Mr. Penny introduced—

S. F. No. 2355: A bill for an act relating to unemployment compensation; providing benefits for certain persons reaching mandatory retirement age.

Referred to the Committee on Employment.

Messrs. Penny, Laufenburger and Kirchner introduced—

S. F. No. 2356: A bill for an act relating to plats and surveys; filing requirements for plats abutting highways; amending Minnesota Statutes 1976, Section 505.03, Subdivision 2.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Dieterich introduced—

S. F. No. 2357: A bill for an act relating to the arts; providing artists of works of fine art with a right to a percentage amount on a sale of their work although title to the work is not vested in them.

Referred to the Committee on General Legislation and Veterans Affairs.

Mr. Bang introduced—

S. F. No. 2358: A bill for an act relating to conciliation court; providing that unsatisfied judgments may be removed to municipal court for execution; authorizing assessment of punitive damages, costs and attorney's fees against the judgment debtor; amending Minnesota Statutes 1976, Section 491.04, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Olhoft introduced—

S. F. No. 2359: A bill for an act relating to local government; municipal industrial development act; requiring public notice of certain meetings authorizing issuance of bonds; amending Minnesota Statutes 1976, Section 474.04.

Referred to the Committee on Local Government.

Messrs. Merriam and Anderson introduced—

S. F. No. 2360: A bill for an act relating to education; restricting

the rights of school districts to enter into certain agreements without approval granted by a majority of the electors voting on the question at a regular or special school election; amending Minnesota Statutes 1976, Section 471.16, Subdivision 1; and Laws 1967, Chapter 33, by adding a section.

Referred to the Committee on Education.

Mr. McCutcheon introduced—

S. F. No. 2361: A bill for an act relating to peace officers; setting forth criteria for the use of deadly force by peace officers; amending Minnesota Statutes 1976, Sections 609.065; 629.33; and Chapter 609, by adding a section.

Referred to the Committee on Judiciary.

Mr. Benedict introduced—

S. F. No. 2362: A bill for an act relating to public safety; regulating amusement rides; requiring state safety inspections of amusement rides; requiring liability insurance covering amusement rides; providing penalties; appropriating money.

Referred to the Committee on General Legislation and Veterans Affairs.

Messrs. Bernhagen, Engler and Renneke introduced—

S. F. No. 2363: A bill for an act relating to taxation; income tax; making the feedlot pollution control equipment credit carry-over provisions retroactive; amending Minnesota Statutes, 1977 Supplement, Section 290.06, Subdivision 9a.

Referred to the Committee on Taxes and Tax Laws.

### REPORTS OF COMMITTEES

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

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

S. F. No. 1468: A bill for an act relating to commerce; regulating the repair of motor vehicles, appliances, and dwelling places; regulating service calls, estimates, and repairs; providing penalties.

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

Page 1, line 12, strike "\$35" and insert "\$50"

Page 1, line 16, strike ", but" and insert "and"

Page 1, line 16, after "not" insert "primarily"

Page 2, line 24, strike "charge"

Page 2, strike lines 25 to 31 and insert "towing, minimum, or other service charge for making a call at a place other than the shop. The service charge may be imposed in addition to any charges for making an estimate or performing repairs, and it may be imposed even though no estimate is made or repairs performed. Upon the request of the customer, the shop shall inform the customer before making a service call that a service charge will be imposed and the basis on which the charge will be calculated."

Page 3, line 1, strike "an" and insert "a written"

Page 3, line 3, after the period insert "The shop shall include in the estimate all the parts and materials and labor which in the standard practice of the trade or industry would normally be included in the repairs for which the estimate was requested."

Page 3, line 9, strike "of the" and insert "that there will be a"

Page 3, line 17, strike "has provided" and insert "provides"

Page 3, line 19, after "(a)" insert "If the customer elects within a reasonable time after the estimate has been made,"

Page 3, line 21, after "place" insert "as close as possible"

Page 3, line 23, after "for" insert "making"

Page 3, line 25, after "repairs" insert "or service calls"

Page 3, line 28, after "repairs" insert "; except if a shop after commencing repairs determines that additional work is necessary to accomplish repairs that are the subject of a written estimate and if the shop did not unreasonably fail to disclose the possible need for the additional work when the estimate was made, the shop may charge more than 110 percent of the estimate for the repairs if the shop immediately provides the customer a revised written estimate pursuant to this section and receives authorization to continue with the repairs. If continuation of the repairs is not authorized, the shop shall return the motor vehicle, appliance, or dwelling place as close as possible to its former condition or place it in a mutually agreed upon condition and shall release the item to the customer upon payment of charges for repairs actually performed and not in excess of 110 percent of the original estimate"

Page 3, line 29, strike "subdivision 1" and insert "a written estimate in sections 1 to 11"

Page 4, line 6, strike everything after "8." and insert "If a shop after commencing repairs determines that additional repairs not previously authorized are necessary, the shop may perform the additional repairs if it complies with this section. A"

Page 4, line 13, after the period insert "No shop shall perform repairs it knows or has reason to know are unnecessary to the restoration of a motor vehicle, appliance, or dwelling place unless the customer authorizes the repairs after the shop informs the customer that they are unnecessary."

Page 4, line 19, after "after" insert "the shop has knowledge of"

Page 5, line 4, after "upon" insert "reasonable"

Page 5, line 12, after "exceed" insert "110 percent of charges authorized for repairs by the customer pursuant to section 3, subdivision 6, plus"

Page 5, line 13, strike "price" and insert "prices"

Page 5, line 13, strike "a"

Page 5, line 13, strike "estimate" and insert "estimates"

Page 5, line 13, strike "prior to" and insert "in connection with"

Page 5, line 14, strike "commencement of" and "plus the total prices in any written"

Page 5, line 15, strike everything except the period

Page 5, line 20, strike "or" and insert a comma

Page 5, line 20, after "distributor" insert ", or other person"

Page 5, line 21, after "arrangement" insert ", is required to retain pursuant to law, or is necessary for pending litigation"

Page 5, line 22, after "parts" insert "for a period of five business days after completion of repairs"

Page 5, line 24, strike "two years" and insert "one year"

Page 5, line 27, after "officials" insert "upon reasonable prior notice and during regular business hours"

Page 5, line 27, after the period insert "Upon payment to a shop of any reasonable costs of reproduction,"

Page 6, line 2, strike "\$35" and insert "\$50"

Page 6, line 4, after "percent" insert "without the prior authorization of the customer"

Page 6, strike lines 5 to 9

Page 6, line 21, after "parts" insert "in violation of section 7, subdivision 1"

Page 6, line 31, after "insurer" insert "or service contract company"

Page 6, line 31, strike "the entire" and insert "up to 90 percent of the"

Page 7, line 1, after "agreement" insert "or service contract"

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

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

S. F. No. 1642: A bill for an act relating to agriculture; grain in-



spection; weighing, sampling and analysis; amending Minnesota Statutes 1976, Sections 17B.03, Subdivision 1; 17B.04, Subdivision 1; and 17B.13.

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

Page 2, strike lines 25 to 32

Page 3, strike lines 1 to 3 and insert:

*"Subd. 2. The commissioner may hire as official inspection personnel any individual who is licensed to perform functions of official inspection under the United States grain standards act and as personnel to perform supervisory weighing or official weighing functions any individual who, on the date of enactment of the United States grain standards act of 1976, was performing similar functions for the Duluth board of trade. Such persons shall be re-employed and given credit for all previous state service for the purposes of sick and annual leave accrual rates, restoration of any officially recorded unused sick and annual leave accrued in state service and may repay refundments, pursuant to section 352.23, withdrawn from the Minnesota state retirement system, except that the one year waiting period shall be waived. These persons shall be appointed to currently used employment classifications at salaries comparable to other employees with similar lengths of state service."*

**Sec. 4. [APPROPRIATION.]** *The sum of \$236,795 is appropriated from the general fund to the department of agriculture for the purposes of this act. The approved complement of agriculture department shall be increased by 12 classified positions.*

**Sec. 5.** *This act is effective the day following final enactment."*

Amend the title as follows:

Line 2, after "agriculture;" insert "clarifying jurisdiction concerning" and after "inspection" strike the semicolon and insert a comma

Line 3, after the semicolon insert "appropriating money;"

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

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

S. F. No. 2136: A bill for an act relating to unemployment compensation; limiting the coverage of agricultural employers of certain children; amending Minnesota Statutes, 1977 Supplement, Section 268.04, Subdivision 12.

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

Page 8, strike lines 28 to 32

Page 9, strike line 1

Page 10, after line 11, insert:

*"(f) For the purposes of this clause (13), services performed by an individual 16 years of age or under shall be excluded from agricultural labor and employment unless the employer is an employer as defined in section 3306 (a) (2) of the federal unemployment tax act."*

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

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

S. F. No. 1747: A bill for an act relating to public employment labor relations; making certain matters mandatorily negotiable; allowing employers alternate remedies in grievance proceedings or civil service appeals; amending Minnesota Statutes 1976, Sections 179.63, Subdivision 18 and 179.70, Subdivision 1.

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

Pages 1 and 2, strike section 1

Page 2, line 24, strike "43,"

Page 2, line 24, after "375," insert "387,"

Page 2, line 29, strike "43,"

Page 2, line 29, after "375," insert "387,"

Page 2, line 32, strike *"decision on the employee's grievance or appeal"*

Page 3, strike lines 1 and 2

Page 3, line 3, strike *"Chapters 43, 44, 375, or 419"* and insert *"written grievance or appeal has been properly filed or submitted by the employee or on the employee's behalf with his consent"*

Page 3, line 4, strike *"," and the"*

Page 3, strike lines 5 and 6

Page 3, line 7, strike *"statute"*

Renumber the remaining sections

Amend the title as follows:

Page 1, line 4, strike *"employers"* and insert *"employees"*

Page 1, line 6, strike *"Sections 179.63,"* and insert *"Section"*

Page 1, line 7, strike *"Subdivision 18 and"*

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

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

S. F. No. 1130: A bill for an act relating to commerce; providing for deposits of public funds in thrift institutions; amending Minnesota Statutes 1976, Sections 118.005; 118.01; 118.09; 118.11; and 118.16; repealing Minnesota Statutes 1976, Section 118.17.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1976, Section 51A.21, is amended by adding a subdivision to read:

*Subd. 18. To accept and maintain treasury tax and loan accounts of the United States and to pledge collateral to secure the treasury tax or loan accounts, in accordance with the regulations of the Department of Treasury of the United States.*

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 52.04, Subdivision 1, is amended to read:

52.04 [POWERS.] Subdivision 1. A credit union shall have the following powers:

(1) To receive the savings of its members either as payment on shares or as deposits, including the right to conduct Christmas clubs, vacation clubs, and other such thrift organizations within its membership;

(2) To make loans to members for provident or productive purposes as provided in section 52.16;

(3) To make loans to a cooperative society or other organization having membership in the credit union;

(4) To deposit in state and national banks and trust companies authorized to receive deposits;

(5) To invest in any investment legal for savings banks or for trust funds in the state;

(6) To borrow money as hereinafter indicated;

(7) To adopt and use a common seal and alter the same at pleasure; and

(8) To make payments on shares of and deposit with any other credit union chartered by this or any other state or operating under the provisions of the federal credit union act, in amounts not exceeding in the aggregate 25 percent of its unimpaired assets providing that payments on shares of and deposit with credit unions chartered by other states shall be restricted to credit unions insured by the National Credit Union Administration. The restrictions imposed by this clause shall not apply to share accounts and deposit accounts of Minnesota central credit union in U.S. central credit union.

(9) To contract with any licensed insurance company or society to insure the lives of members to the extent of their share accounts, in whole or in part, and to pay all or a portion of the premium therefor;

(10) To indemnify each director, officer, or committee member, or former director, officer, or committee member against all expenses, including attorney's fees but excluding amounts paid pursuant to a judgment or settlement agreement, reasonably incurred by him in connection with or arising out of any action, suit, or proceeding to which he is a party by reason of being or having been a director, officer, or committee member of the credit union, except with respect to matters as to which he shall be finally adjudged in such action, suit, or proceeding to be liable for negligence or misconduct in the performance of his duties. Such indemnification shall not be exclusive of any other rights to which he may be entitled under any bylaw, agreement, vote of members, or otherwise; and

(11) Upon written authorization from a member, retained at the credit union, to make payments to third parties by withdrawals from the member's share or deposit accounts or through proceeds of loans made to such member, or by permitting the credit union to make such payments from the member's funds prior to deposit; to permit draft withdrawals from member accounts; however, this clause does not permit a credit union to establish demand deposits (checking accounts) for its members;

(12) To inform its members as to the availability of various group purchasing plans which are related to the promotion of thrift or the borrowing of money for provident and productive purposes by means of informational materials placed in the credit union's office, through its publications, or by direct mailings to members by the credit union;

(13) To facilitate its members' voluntary purchase of types of insurance incidental to promotion of thrift or the borrowing of money for provident and productive purposes including, but not limited to the following types of group or individual insurance: Fire, theft, automobile, life and temporary disability; to be the policy holder of a group insurance plan or a sub-group under a master policy plan and to disseminate information to its members concerning the insurance provided thereunder; to remit premiums to an insurer or the holder of a master policy on behalf of a credit union member, provided that the credit union shall obtain written authorization from such member for remittance by share or deposit withdrawals or through proceeds of loans made by such members, or by permitting the credit union to make such payments from the member's funds prior to deposit; and to accept from the insurer reimbursement for the actual cost of ministerial tasks performed pertaining to insurance;

(14) To contract with another credit union to furnish services which either could otherwise perform. Contracted services under this clause are subject to regulation and examination by the commissioner of banks like other services.

(15) In furtherance of the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes; and not in limitation of the specific powers hereinbefore conferred, to have all the powers enumerated, authorized, and permitted by this chapter, and such other rights, privileges and powers as may be incidental to, or necessary for, the accomplishment of the objectives and purposes of the credit union; and

(16) To rent safe deposit boxes to its members provided the credit union obtains adequate insurance or bonding coverage for losses which might result from the rental of safe deposit boxes ;

(17) *Notwithstanding the provisions of section 52.05, to accept deposits of public funds in an amount secured by insurance or other means pursuant to chapter 118; and*

(18) *To accept and maintain treasury tax and loan accounts of the United States and to pledge collateral to secure the treasury tax or loan accounts, in accordance with the regulations of the Department of Treasury of the United States."*

Page 1, line 16, after "municipality" insert ", as defined in section 118.01,"

Page 1, line 17, strike "such" and insert "the insured"

Page 1, line 18, strike "institution" and insert "institutions"

Page 1, lines 18 and 22, strike "or" and insert ", insured"

Page 1, line 19, after "23," insert "or credit unions,"

Page 1, lines 20 and 21, strike the new language

Page 1, line 22, after "institution" insert "or credit union"

Page 2, line 2, after "Corporation" insert "or insured by the National Credit Union Administration"

Page 2, lines 2, 4, 6, 11, 12, and 24, strike "such" and insert "the"

Page 2, lines 5, 7, and 17, strike "or" and insert ","

Page 2, line 5, after "institution" insert "or credit union"

Page 2, line 7, after "institution" insert "or credit union"

Page 2, line 17, after "institution" insert ", or credit union"

Page 2, line 18, strike "county,"

Page 2, strike lines 19 to 21

Page 2, line 22, strike everything before the comma and insert "a municipality"

Page 2, line 25, before "funds" strike "such"

Page 3, lines 4, 5, 12, 13, 17, and 21, strike "such" and insert "the"

Page 4, lines 11 and 30, strike "such" and insert "the"

Page 4, line 27, strike "*and*" and insert " , "

Page 4, line 27, after "*institutions*" insert "*and credit unions*"

Page 5, line 7, strike "*or*" and insert " , "

Page 5, line 7, after "*institution*" insert "*or credit union*"

Page 5, line 17, strike "Minnesota Statutes 1967,"

Page 5, line 17, strike "Section" and insert "*sections*"

Page 5, line 18, before the period insert " , 51A.20 or 52.17"

Page 5, line 26, strike "*such*"

Page 6, lines 9, 15, 16, 25, and 26, strike "*such*" and insert "*the*"

Page 6, line 21, strike "*or*" and insert " , "

Page 6, line 21, after "*institution*" insert " , *or credit union*"

Page 6, line 24, strike "*such*" in both cases and insert "*the*"

Page 7, lines 3 and 4, after "*institution*" insert "*or credit union*"

Page 7, line 4, strike "*such*" and insert "*the*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "*institutions*" insert "*and credit unions*"

Page 1, line 3, after "*amending*" insert "Minnesota Statutes, 1977 Supplement, Section 52.04, Subdivision 1; and"

Page 1, line 4, after "*Sections*" insert "51A.21, by adding a subdivision;"

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

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

S. F. No. 1905: A bill for an act providing for positions in the unclassified service of the city of Minneapolis; amending Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended and by adding a subdivision.

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

Amend the title as follows:

Page 1, line 2, before "*providing*" insert "*relating to the city of Minneapolis;*"

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

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

S. F. No. 2023: A bill for an act relating to the Minneapolis police department; providing for certain employee appointments; amending Laws 1961, Chapter 108, Section 1, as amended.

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

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

S. F. No. 1759: A bill for an act relating to natural resources; requiring written permission prior to entering land owned by another for purposes of taking wild animals; permitting peace officers to make arrests upon probable cause in certain trespass cases; amending Minnesota Statutes 1976, Section 100.273; repealing Minnesota Statutes 1976, Section 100.29, Subdivisions 21 and 22.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 97.53, Subdivision 1, is amended to read:

97.53 [PUBLICATION OF ORDERS AND LAWS.] Subdivision 1. As soon as practicable after each legislative session, the commissioner, under the direction of the attorney general, shall make a compilation of the laws relating to wild animals, brought up to date and properly indexed. This compilation shall be printed in pamphlet form of pocket size, and 50 copies distributed to each senator, 25 copies to each representative, and ten copies to each county auditor. Not more than 10,000 copies in addition shall be printed for general distribution. The commissioner shall also prepare syllabi of the laws and deliver to county auditors a sufficient supply to furnish one copy to each person procuring a hunting, fishing, or trapping license. *At the beginning of these syllabi, under the heading "Trespass", the commissioner shall summarize the text of Minnesota Statutes, Section 100.273.*

Sec. 2. Minnesota Statutes 1976, Section 100.273, is amended to read:

100.273 [TRESPASS.] Subdivision 1. *For purposes of this section, "agricultural lands" mean lands being used to raise agricultural products or lands enclosing domestic livestock, except lands within 66 feet of designated trout streams.*

*Subd. 2. During the seasons for taking small game or big game. No person shall enter upon the agricultural lands of another which are being used to raise agricultural products or upon land enclosing domestic stock of any kind for the any recreational purpose of hunting the above mentioned game as defined by section 87.021 unless and until the permission of the owner, occupant, or lessee is obtained. Wooded areas other than tree farms shall in no case be*

construed to be agricultural lands within the meaning of this statute.

Subd. 3. No person shall enter upon any land not his own with intent to take any wild animals after being notified not to do so, either orally by the owner, occupant or lessee, or by signs erected pursuant to subdivision 6.

Subd. 2 4. No person while engaged in hunting small game or big game shall enter or leave the lands of another, or pass from one portion of another person's land, through a closed gate without returning the gate to its original position, nor shall any person destroy, cut or tear down any fence, building, grain, crops, or live trees, or wound or kill any domestic livestock.

Subd. 5. No person shall take any wild animal on any private agricultural land not his own or any public right-of-way with a firearm within 500 feet of any building occupied by a human being or by livestock, or within 500 feet of any stockade or corral containing livestock, or within 200 feet of any building occupied by a human being on any land other than agricultural land without the written consent or permission of the owner or occupant of such premises, or within 500 feet of any burning area.

Subd. 6. No person shall erect "no hunting", "no trapping", "no fishing", or other signs prohibiting trespass upon any lands or waters in which he has no right, title, interests, or license. The owner, occupant, or lessee of any private land, or a duly constituted legal authority of public land, may erect signs prohibiting trespassing, hunting, trapping, or fishing if the signs bear letters not less than two inches high, are signed by the owner, occupant, or lessee, and are posted at intervals of not more than 500 feet upon the boundaries of the area so protected.

Subd. 3 7. All peace officers shall enforce the provisions of this section.

Subd. 4 8. Violation of any provision of this section is a misdemeanor. Upon a person's first conviction for violating any provision of section 100.273, any license issued to him pursuant to chapter 98 and any registration pursuant to section 84.82 shall immediately become null and void and he shall forfeit his right to secure any license authorized in chapter 98 and any registration pursuant to section 84.82 for a period of one year from the date of the conviction. If a person is convicted of a second or subsequent offense prohibited by any provision of section 100.273, any license issued to him pursuant to chapter 98 and any registration pursuant to section 84.32 shall immediately become null and void and he shall forfeit his right to secure any license authorized in chapter 98 and any registration pursuant to section 84.32 for a period of three years from the date of the conviction.

Sec. 3. Minnesota Statutes 1976, Section 100.29, Subdivisions 21 and 22, are repealed."

Amend the title as follows:

Strike lines 2 to 9 and insert:



"relating to natural resources; requiring permission prior to entering agricultural lands owned by another person; prohibiting taking wild animals within certain distances of buildings or livestock; revoking the licenses to take wild animals of persons convicted of certain trespass violations; amending Minnesota Statutes 1976, Sections 97.53, Subdivision 1; and 100.273; repealing Minnesota Statutes 1976, Section 100.29, Subdivisions 21 and 22."

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

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

S. F. No. 1952: A bill for an act relating to courts; supreme court; providing for publishing of reports of decisions; amending Minnesota Statutes 1976, Section 480.12.

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

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

H. F. No. 1442: A bill for an act relating to professional corporations; including architects, professional engineers and land surveyors within the definition of professional service for the purposes of formation of professional corporations; amending Minnesota Statutes 1976, Section 319A.02, Subdivision 2.

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

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

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

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

Page 2, line 13, after the stricken language, insert "*as provided in section 357.18*"

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

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

S. F. No. 1951: A bill for an act relating to marriage; providing that the clerk of county court may solemnize marriages; amending Minnesota Statutes 1976, Section 517.04.

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

Page 1, line 10, strike "county"

Amend the title as follows:

Page 1, line 3, strike "county"

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

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

S. F. No. 1862: A bill for an act relating to courts; permitting personal jurisdiction over non-residents for causes of action relating to tortious acts; revising the provision to accord with federal constitutional requirements; amending Minnesota Statutes 1976, Section 543.19, Subdivision 1.

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

Page 2, line 2, strike "Either"

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

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

S. F. No. 2035: A bill for an act relating to the operation of state government; providing for the periodic review and evaluation of executive branch agencies and departments; establishing a pilot program; prescribing goals and procedures; appropriating money.

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

Page 2, line 10, after "within" insert "other"

Page 2, line 26, strike "September 1, 1978" and insert "March 1, 1979"

Page 3, line 1, strike "all"

Page 3, lines 3 to 4, strike "each expenditure" and insert "expenditures"

Page 6, strike lines 8 to 15 and insert "sum of \$25,000 to the general contingent account for the period ending June 30, 1979, for use by the commissioner of finance in preparing the procedures manual and for training agency personnel pursuant to the purposes of this act. The appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission. The complement of the department of finance is increased by one full-time equivalent position."

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

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

S. F. No. 1641: A bill for an act relating to community colleges; authorizing one additional member for the state board; requiring that one member be a student; amending Minnesota Statutes 1976, Section 136.61, Subdivisions 1 and 1a.

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

Page 1, line 13, reinsert the stricken language and strike the new language

Page 1, line 17, after "a" and before "student" insert "full-time"

Page 1, line 17, after "college" insert "at the time of appointment"

Page 1, line 17, after "or" insert "shall"

Page 1, line 17, strike "graduated" and insert "been a full-time student at"

Page 1, line 18, strike "from"

Page 1, line 18, strike "prior to his" and insert "before"

Page 1, line 19, after "appointment" insert "to the state board for community colleges"

Page 2, line 1, strike "excepting" and insert "except"

Page 2, line 1, strike "length of"

Page 2, line 2, strike "which"

Page 2, line 2, strike "for"

Page 2, after line 2, insert:

"Sec. 3. Minnesota Statutes 1976, Section 136.63, Subdivision 1, is amended to read:

136.63 [LOCAL ADVISORY COMMITTEES.] Subdivision 1. The board shall appoint a local advisory committee for each community college composed of qualified persons ~~with~~ *who have* a knowledge of and interest in community colleges ~~residing and who reside in the area served by such the community college.~~ *One member of each local advisory committee shall be a full-time student at the community college at the time of appointment or shall have been a full-time student at the community college within one year before appointment to the local advisory committee.* The board from time to time shall consult with each local advisory committee on matters of courses of study to be offered at the community college. The number of members and their terms of each advisory committee shall be fixed by the board. Advisory committee members shall serve without compensation and without reimbursement for expenses."

Amend the title as follows:

Page 1, line 2, strike "authorizing one"

Page 1, line 3, strike "additional member for the state board;"

Page 1, line 4, after "member" insert "of the state board"

Page 1, line 4, after "student;" insert "requiring that one member of the local advisory committee be a student;"

Page 1, line 5, strike "Section" and insert "Sections"

Page 1, line 6, after "1a" insert "; and 136.63, Subdivision 1"

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

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

S. F. No. 2166: A bill for an act relating to employment agencies; providing an exemption for management consultant firms from employment agency regulation; amending Minnesota Statutes 1976, Section 184.21, Subdivision 2.

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

Page 2, line 10, strike "and it" and insert "nor"

Page 2, line 11, strike "not" and insert "it"

Page 2, line 14, strike "such" and insert "the"

Page 2, line 16, strike "an employer, receiving agreed upon" and insert "employers"

Page 2, strike line 17

Page 2, line 18, strike "assignment is successfully completed,"

Page 2, line 21, strike "compensation" and insert "salary"

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

Page 2, line 22, strike "\$20,000" and insert "\$25,000"

Page 2, line 22, after "year" strike the comma and insert a semicolon

Page 2, line 23, strike "such"

Page 2, line 23, after "individual" insert "who is identified, appraised or recommended for consideration for an executive or professional position"

Page 2, line 25, strike "such" and insert "the"

Page 2, line 26, strike "such" and insert "the"

Page 2, line 26, strike ", and;" and insert "; and"

Page 2, line 29, after the period insert "In the event any individual who is identified, appraised, or recommended for consideration for an executive or professional position registers a complaint

*with the commissioner in connection with services provided or promised by a search firm, the commissioner shall be authorized to inspect the records of the search firm which relate to the complainant to determine whether any of the above four conditions were not met in relation to the complainant. If it is determined, either by written admission by the search firm or by a finding of fact in a court of law or by a hearing officer pursuant to chapter 15, that any of the four conditions were not met, the search firm shall thereafter be considered an employment agency and subject to the provisions of this chapter."*

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

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

S. F. No. 2171: A bill for an act relating to public safety; setting the duty assignments of highway patrol pilots.

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

Strike everything after the enacting clause and insert:

"Section 1. Laws 1977, Chapter 455, Section 51, is amended to read:

#### Sec. 51. PUBLIC SAFETY

##### General Operations and Management

44,737,792

45,148,613

##### Approved Complement

1978 - 1683      1979 - 1703

General -            279

279

Special Revenue -    101

112

Trunk Highway -    1021

1024

Highway User -      209

220

Federal -            73

68

The above approved complement includes 504 for all unclassified patrol officers and supervisors of the highway patrol. This complement shall not be exceeded during the biennium. Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, among the various units and divisions within this section provided that the above complement shall be reduced accordingly.

No new highway patrol supervisory positions shall be established, with the exception of special duty assigned ranks for the length of assignment only.

Of this appropriation, \$27,507,457 for the first year and \$28,144,898 for the second year are from the trunk highway fund for traffic safety programs. The commissioner of finance shall transfer on a quarterly basis the appropriation made from the trunk highway fund in this section. \$7,440,828 for the first year and \$7,711,

215 for the second year are from the highway user tax distribution fund for the administration of motor vehicle laws.

Of this appropriation, \$9,757,007 for the first year and \$9,260,000 for the second year are from the general fund.

The amounts that may be expended from this appropriation for each program are as follows:

**Administration and Related Services**

\$ 1,384,660      \$ 1,455,065

**Investigation, Enforcement and  
Emergency Assistance**

\$27,072,446      \$27,041,572

Of this appropriation, \$720,000 is for the purpose of investigating cross jurisdictional criminal activity. County sheriffs or the chief administrative officer of city police departments may use up to \$250,000 for criminal investigatory activity including purchases of drugs and acquisition of information relating to possession and sale of controlled substances. County sheriffs or the chief administrative officer of city police departments may use up to \$200,000 for criminal investigatory activity, including purchases of contraband and information relating to receiving or selling stolen goods. Application for money shall be made to the commissioner of public safety on forms and pursuant to procedures developed by the superintendent of the bureau of criminal apprehension and shall describe the type of intended criminal investigation and an estimate of the amount of money required. A report shall be made to the commissioner at the conclusion of any investigation for which this money is used stating: (1) the number of persons arrested, (2) the nature of the charges filed against them, (3) the nature and value of controlled substances or contraband purchased or seized, and (4) the amount of this money paid to informants during the investigation. Unused funds shall be returned to the commissioner by the reporting agency. Applications to the commissioner shall be maintained as confidential records. Reports at the conclusion of an investigation are public records. Any unencumbered balance remaining in the first year shall not cancel but is available for the second year of the biennium.

\$50,000 each year is for the bureau of criminal apprehension to provide in-service training for peace officers on a regional basis.

\$23,158 is to reimburse the city of Breckenridge for fire disaster costs and fire related costs over and above normal fire call procedures incurred pursuant to directions from the state fire marshal and otherwise.

\$320,362 in fiscal 1978, and \$371,179 in fiscal 1979 is for the air patrolling of highways.

The commissioner shall develop a plan to transfer ten administrative sergeants and three pilots to patrolling of highways by November 1, 1977 and shall implement the plan by January 1, 1978.

The commissioner shall maintain not more than three helicopters in flight condition.

The commissioner shall continue the air watch traffic patrol at a level of service at least equal to that currently provided, even though this may require some helicopter pilots to perform more than one duty. The commissioner shall provide for the air patrolling of highways as he deems appropriate consistent with budgetary and complement restrictions.

The personnel involved in the support of the weigh scale and spot motor vehicle inspection programs shall be provided by the commissioner of transportation. This appropriation is from the trunk highway fund.

This appropriation provides sufficient money to operate the mobile truck weighing program on a 12 month basis.

Licensing

\$15,943,968      \$16,314,436

The primary computer development effort of the department shall be to functionally integrate the motor vehicle, driver license, and traffic records information systems of the department. Projects currently planned or underway that would redesign these record systems shall be terminated. To the extent they are consistent with a functionally integrated information system, the objectives of any terminated project shall be incorporated in the objectives of the record integration project.

Ancillary Services

\$ 336,718      \$ 337,540

Of this appropriation \$32,500 each year is appropriated from the state airports fund for the civil air patrol.

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives."

Amend the title as follows:

Page 1, line 3, after "pilots" insert "; amending Laws 1977, Chapter 455, Section 51"

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

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

S. F. No. 2036: A bill for an act relating to the organization and operation of state government; stating a legislative policy regarding executive branch reorganization; creating a council on state government reorganization; requiring a report and recommendations; appropriating money.

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

Page 5, after line 1 insert

"(c) the desirability of maintaining communications with legislative committees having jurisdiction over specific executive branch functions;"

Page 5, line 2, delete "(c)" and insert "(d)"

Page 5, line 4, delete "(d)" and insert "(e)"

Page 5, line 8, delete "(e)" and insert "(f)"

Page 5, line 11, delete "(f)" and insert "(g)"

Page 5, line 20, after the period insert "In preparing its report, the council shall consult with standing committees of the legislature relating to executive branch agencies within the jurisdiction of those committees."

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

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

S. F. No. 1909: A bill for an act relating to the city of Minneapolis; authorizing increased compensation for members of the board of park commissioners; amending Laws 1974, Chapter 181, Section 1.

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

Page 1, line 12, after "of the" insert "*park and recreation*"

Page 1, line 12, after "board" strike "of"

Page 1, line 13, strike "park commissioners"

Page 1, line 15, after "each" insert "*regular and committee*"

Page 1, line 15, after "board" strike the semicolon and insert "*attended,*"

Page 1, line 16, after "board" insert "*, and shall not receive payment for more than three meetings per month*"

Page 1, line 19, strike "*governing body of the board of park*" and insert "*park and recreation board of*"

Amend the title as follows:

Page 1, line 3, after "the" insert "*park and recreation*"

Page 1, line 4, strike "park"

Report adopted.

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



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

S. F. No. 1901: A bill for an act relating to the city of Minneapolis; modifying the certification procedure for vacancies in the classified service.

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

Page 1, line 14, strike "In the event that this certification"

Page 1, strike lines 15 to 22

Page 2, strike lines 1 to 8, and insert "Where there is a single request from an employing officer or body to fill more than one vacancy from the same list of the eligible register the civil service commission shall certify one additional person for each additional vacancy to be filled."

Page 2, line 14, strike "In the event"

Page 2, strike lines 15 to 31, and insert "Where there is a single request from an employing officer or body to fill more than one vacancy from the same list of the eligible register the civil service commission shall certify one additional person for each additional vacancy to be filled."

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

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

S. F. No. 2025: A bill for an act relating to taxation; property tax; eliminating certain limitations on special assessments by municipalities; amending Minnesota Statutes 1976, Section 429.011, Subdivision 2b.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1976, Section 429.011, Subdivision 2, is amended to read:

Subd. 2. "Municipality" means any city of the second, third, or fourth class however organized, or any statutory city or any town containing platted land situated wholly or partly within 25 miles of the city hall of a city of the first class having a population of more than 200,000 inhabitants as defined in section 368.01."

Page 1, reinstate the stricken language in lines 16 to 21

Page 1, line 21, before the period insert "*except when all of the owners of the land which would be benefited by the improvement petition for the improvement, the requirement for approval by the town electors provided in this subdivision shall not apply*"

Page 1, line 22, strike "*for*" and insert "*the day following its final enactment.*"

Page 2, strikes lines 1 and 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, strike "taxation; property tax" and insert "local improvements, special assessments"

Page 1, line 5, strike "Subdivision" and insert "Subdivisions 2 and"

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

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

S. F. No. 1916: A bill for an act relating to the city of Zumbrota; authorizing the sale of certain public land.

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

Page 1, line 6, strike "For the purpose of developing a senior"

Page 1, line 7, strike "citizens residential complex,"

Page 1, after line 16, insert:

"Sec. 2. The resolution or ordinance of the city council for the sale of land authorized in section 1 shall not be effective until it has been approved by a majority of the votes cast on the question at a regular or a special election if a petition asking for an election on the question signed by voters equal to five percent of the number of voters at the last regular election is filed with the city within 30 days following the publication of the resolution or ordinance."

Renumber the remaining section

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

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

S. F. No. 1660: A bill for an act relating to the county of Anoka; validating the acquisition of and payment for certain real estate.

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

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

S. F. No. 2154: A bill for an act relating to counties; concerning

the investment of county funds; amending Minnesota Statutes 1976, Section 385.07.

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

Amend the title as follows:

Page 1, line 2, strike "concerning" and insert "clarifying procedures for"

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

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

S. F. No. 1764: A bill for an act relating to public employment; the state civil service; providing for qualifying examination and certification procedures for filling routine service positions; providing on-the-job trial work experiences and noncompetitive appointment procedures for certain severely handicapped persons; amending Minnesota Statutes 1976, Section 43.20, by adding subdivisions.

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

Page 1, strike section 1

Page 1, line 23, strike "2" and insert "1"

Page 2, line 1, strike "8" and insert "7"

Page 2, line 1, strike "*a procedure*" and insert "*test procedures*"

Page 2, line 4, after the period insert "*The procedures need not be adopted as rules but they must be consistent with other applicable laws, rules and duly adopted plans of the state relating to affirmative action.*"

Page 2, line 5, after "*The*" insert "*test*"

Page 2, line 5, strike "*include*" and insert "*consist of*"

Page 2, line 6, strike "*, which*" and insert "*which will be in lieu of a competitive examination and for which the employee*"

Page 2, line 7, strike the comma and insert "*. This work experience shall be*"

Page 2, line 9, strike "*multiple*" and insert "*other*"

Page 2, line 16, strike "*such a*" and insert "*the*"

Amend the title as follows:

Page 1, line 2, strike "public employment;"

Page 1, line 3, strike everything after the semicolon

Page 1, strike line 4

Page 1, line 5, strike "service positions;"

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

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

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

S. F. No. 2048: A bill for an act relating to certain commercial transactions; amending provisions of the uniform commercial code governing investment securities and related provisions; amending Minnesota Statutes 1976, Sections 336.1-201; 336.5-114; 336.8-102; 336.8-103; 336.8-104; 336.8-105; 336.8-106; 336.8-107; 336.8-201; 336.8-202; 336.8-203; 336.8-204; 336.8-205; 336.8-206; 336.8-207; 336.8-208; 336.8-301; 336.8-302; 336.8-303; 336.8-304; 336.8-305; 336.8-306; 336.8-307; 336.8-308; 336.8-309; 336.8-310; 336.8-311; 336.8-312; 336.8-313; 336.8-314; 336.8-315; 336.8-316; 336.8-317; 336.8-318; 336.8-319; 336.8-320; 336.8-401; 336.8-402; 336.8-403; 336.8-404; 336.8-405; 336.8-406; 336.9-103; 336.9-203; 336.9-302; 336.9-304; 336.9-305; 336.9-309; 336.9-312; and Chapter 336, by adding sections; Minnesota Statutes, 1977 Supplement, Section 336.9-105.

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

Page 32, line 12, after "*paragraphs*" insert "*(b) and*"

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

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

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

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 272.-12, is amended to read:

272.12 [CONVEYANCES, TAXES PAID BEFORE RECORDING.] When a deed or other instrument conveying land, or a plat of any town site or addition thereto, or a survey required pursuant to section 508.47, is presented to the county auditor for transfer, he shall ascertain from his records if there be taxes delinquent upon the land described therein, or if it has been sold for taxes. If there are taxes delinquent, he shall certify to the same; and upon payment of such taxes, or in case no taxes are delinquent, he shall transfer the land upon the books of his office, and note upon the

instrument, over his official signature, the words, "no delinquent taxes and transfer entered," or, if the land described has been sold or assigned to an actual purchaser for taxes, the words "paid by sale of land described within;" and, unless such statement is made upon such instrument, the county recorder or the registrar of titles shall refuse to receive or record the same; provided, that sheriff's or referees' certificates of sale on execution or foreclosure of a lien or mortgage, deeds of distribution made by a personal representative in probate proceedings, decrees and judgments, receivers receipts, patents, and copies of town or statutory city plats, in case the original plat filed in the office of the county recorder has been lost or destroyed, and the instruments releasing, removing and discharging reversionary and forfeiture provisions affecting title to land and instruments releasing, removing or discharging easement rights in land or building or other restrictions, may be recorded without such certificate; and, provided that instruments conveying land and, as appurtenant thereto an easement over adjacent tract or tracts of land, may be recorded without such certificate as to the land covered by such easement; and, provided, further, that any instrument granting an easement made in favor of any public utility or pipe line for conveying gas, liquids or solids in suspension, in the nature of a right of way over, along, across or under a tract of land may be recorded without such certificate as to the land covered by such easement.

*A deed of distribution made by a personal representative in a probate proceeding, a decree, or a judgment that conveys land shall be presented to the county auditor, who shall transfer the land upon the books of his office and note upon the instrument, over his official signature, the words, "transfer entered", and the instrument may then be recorded. A decree or judgment that affects title to land but does not convey land may be recorded without presentation to the auditor.*

A violation of this section by the county recorder or the registrar of titles shall be a gross misdemeanor, and, in addition to the punishment therefor, he shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained.

When, as a condition to permitting the recording of deed or other instrument affecting the title to real estate previously forfeited to the state under the provisions of sections 281.16 to 281.27, county officials, after such real estate has been purchased or repurchased, have required the payment of taxes erroneously assumed to have accrued against such real estate after forfeiture and before the date of purchase or repurchase, the sum required to be so paid shall be refunded to the persons entitled thereto out of moneys in the funds in which the sum so paid was placed. Delinquent taxes are those taxes deemed delinquent under section 279.02."

Page 2, after line 2, insert:

"Sec. 3. [REPEALER.] *Minnesota Statutes 1976, Section 272.18, is repealed.*"

Renumber the sections in sequence

Amend the title as follows:

Line 2, after the semicolon, insert "defining conveyances that must be presented to the auditor before recording;"

Line 5, after "amending" insert "Minnesota Statutes, 1977 Supplement, Section 272.12; and"

Line 6, after "272.17" insert "; repealing Minnesota Statutes 1976, Section 272.18"

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

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

S. F. No. 1885: A bill for an act relating to courts; providing for administration of the tax court; amending Minnesota Statutes, 1977 Supplement, Section 271.02.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 271.01, is amended by adding a subdivision to read:

*Subd. 6. [PENDING CASES.] A case arising under the tax laws of this state, as defined in subdivision 5, which was pending on July 1, 1977 may be transferred to the tax court by the district court in which it was pending.*

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 271.02, is amended to read:

271.02 [OFFICERS.] The judges of the tax court of ~~appeals~~ shall choose a chief judge of the tax court of ~~appeals~~. The chief judge of the tax court of ~~appeals~~ shall appoint one of the judges to serve as the administrator, who shall be custodian of the court's files and records, and *shall coordinate and make hearing assignments.* The administrator may appoint up to two employees *who shall be in the unclassified service.* The judge who is appointed the administrator may delegate his duties as administrator to the employees whom he has appointed and may select one employee to act in his place as the *assistant* administrator. The clerk of district court in each county shall be the clerk of the tax court in that county. *Filing fees and library fees deposited with the clerk of district court in his capacity as clerk of the tax court and in cases originally commenced in district court and transferred to the tax court shall be retained by the clerk of district court.* The tax court clerk in each county shall be subject to the supervision of the administrator in tax court matters.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 271.04, is amended to read:

271.04 [HEARINGS.] The tax court shall hold hearings and meetings as may be prescribed by the rules of the tax court. The principal office of the tax court shall be at the capitol, but it shall hold hearings at any other place within the state, so that taxpayers may appear before the court with as little inconvenience and expense to the taxpayer as is practicable. The tax court shall be allowed to use the district court and county court court room in all of the counties. The administrator of the tax court shall consult with the district and county court judges involved before a schedule of court room to be used by the tax court is established. Each tax court judge may hear and decide cases. Upon petition by a party to a case, or upon a motion by a tax court judge, and approval by a majority of the tax court, a case may be tried before the entire tax court. When an appeal is taken by a resident taxpayer from an order of the commissioner, *not involving property taxes*, venue for the case shall be, at the election of the taxpayer, in Ramsey county or in the district court judicial district in which the taxpayer resides. Venue shall be in Ramsey county for an appeal taken by a non-resident taxpayer from an order of the commissioner. Venue for all other cases arising under the tax laws of the state shall be in the same judicial district as if the case was being tried in district court.

Sec. 4. Minnesota Statutes, 1977 Supplement, Section 271.06, Subdivision 2, is amended to read:

Subd. 2. [TIME; NOTICE; INTERVENTION.] Except as otherwise provided by law, within 60 days after notice of the making and filing of such an order of the commissioner, ~~or upon the final determination of any matter concerning the tax laws listed in section 271.01, subdivision 5 of revenue~~, the appellant, or his attorney, shall serve a notice of appeal upon the commissioner or the appropriate unit of government and file the original, with proof of such service, with the tax court of appeals administrator ~~or with the clerk of district court acting as clerk of the tax court~~; provided, that a tax court of appeals judge, for cause shown, may by written order extend the time for appealing for an additional period; not exceeding 30 days. ~~In Ramsey county, notice of appeal may be filed with the tax court clerk or with the administrator. The tax court shall prescribe a filing system so that the notice of appeal filed with the tax court clerk is forwarded to the administrator. In any appeal concerning property valuation, for which the state board of equalization or commissioner of revenue has issued an order, the officer issuing the order shall be notified of the filing of an appeal. The notice of appeal shall be in the form prescribed by the tax court. Within five days after receipt, the commissioner shall transmit a copy of the notice of appeal to the attorney general in all cases where the amount at issue exceeds \$100. The attorney general shall represent the commissioner, if requested, upon all such appeals except in cases where the attorney general has appealed in behalf of the state, or in other cases where he deems it against the interests of the state to represent the commissioner, in which event the attorney general may intervene or be substituted as an appellant in behalf of the state at any stage of the proceedings.~~

*Upon a final determination of any other matter concerning the tax laws listed in section 271.01, subdivision 5, the taxpayer or his attorney shall file a petition or notice of appeal as provided by law with the clerk of district court, acting in the capacity of clerk of the tax court, with proof of service of the petition or notice of appeal as required by law and within the time required by law. As used in this subdivision, "final determination" includes a notice of assessment and equalization for the year in question received from the local assessor; an order of the local board of equalization, or an order of a county board of equalization.*

*The tax court shall prescribe a filing system so that the notice of appeal or petition filed with the tax court clerk is forwarded to the tax court administrator. In the case of an appeal or a petition concerning property valuation for which the assessor, a local board of equalization, a county board of equalization or the commissioner of revenue has issued an order, the officer issuing the order shall be notified of the filing of the appeal. The notice of appeal or petition shall be in the form prescribed by the tax court.*

Sec. 5. Minnesota Statutes 1976, Section 274.19, Subdivision 4, is amended to read:

Subd. 4. Any person who claims that his class 2a property has been unfairly or unequally assessed, or that such property has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense or objection determined by the district court of the county in which the tax is levied or by the tax court by filing a petition for such determination, in the office of the clerk of the district court on or before the first day of September of the year in which such tax becomes payable. A petition for determination under this section may be transferred by the district court to the tax court.

Sec. 6. Minnesota Statutes 1976, Section 274.19, Subdivision 5, is amended to read:

Subd. 5. ~~Payment of the tax shall be a condition precedent to the filing of a petition for review by the district court. The right to continue prosecution of the petition shall be conditioned upon the payment of the tax when due unless the court permits the petition to be filed.~~ *petitioner to continue prosecution of the petition without payment, or with a reduced payment, pursuant to section 277.011, subdivision 3. The petitioner, upon ten days notice to the county attorney and to the county auditor, given at least ten days prior to the last day of August, may apply to the court for permission to file the petition.* ~~continue prosecution of the petition without such payment or with a reduced payment.~~

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 277.011, Subdivision 1, is amended to read:

277.011 [DEFENSE OR OBJECTION TO TAX ON PERSONAL PROPERTY.] Subdivision 1. [SERVICE AND FILING



OF PETITION.] Any person who claims that his personal property has been unfairly or unequally assessed, or that such property has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense or objection determined by the district court of the county in which the tax is levied or by the tax court by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court on or before the first day of July of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located, if that city or town employs its own certified assessor. *A petition for determination under this section may be transferred by the district court to the tax court.*

Sec. 8. Minnesota Statutes 1976, Section 277.011, Subdivision 3, is amended to read:

Subd. 3. [PAYMENT OF TAX.] ~~Before filing such petition, and as a condition precedent thereto~~ *If the proceedings instituted by the filing of the petition have not been completed before July 1 next following the filing of the petition*, the petitioner shall pay to the county treasurer 50 percent of the tax levied for such the year against the property involved, unless permission to file the petition without such payment is obtained as herein provided; ~~which payment shall be endorsed by the county treasurer on the original petition before the same may be filed~~. The petitioner, upon ten days notice to the county attorney and to the county auditor, given at least ten days prior to the first day of July, may apply to the court for permission to file the petition without such payment; and, if it is made to appear

- (1) That the proposed review is to be taken in good faith;
- (2) That there is probable cause to believe that the property may be held exempt from the tax levied or that the tax may be determined to be less than 50 percent of the amount levied; and
- (3) That it would work a hardship upon petitioner to pay such 50 percent of the tax

The court may permit the ~~petition to be filed~~ *petitioner to continue to prosecute the petition* without such payment, or may fix a lesser amount to be paid as a condition precedent to the right to ~~file~~ *continue to prosecute* the same. Payment of the amount so fixed shall be endorsed on the order by the county treasurer.

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 278.01, is amended to read:

278.01 [DEFENSE OR OBJECTION TO TAX ON LAND;

SERVICE AND FILING.] (a) Any person having any estate, right, title, or interest in or lien upon any parcel of land, who claims that such property has been partially, unfairly, or unequally assessed, or that such parcel has been assessed at a valuation greater than its real or actual value, or that the tax levied against the same is illegal, in whole or in part, or has been paid, or that the property is exempt from the tax so levied, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied *or by the tax court* by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court ~~on or~~ before the first day of June of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor. *A petition for determination under this section may be transferred by the district court to the tax court.*

(b) Any person having any estate, right, title or interest in or lien upon any parcel which is classified as homestead under the provisions of section 273.13, subdivisions 6, 6a, 7, 7b, 10 or 12, who claims that said parcel has been assessed at a valuation which exceeds by ten percent or more the valuation which the parcel would have if it were valued at the average assessment/sales ratio for real property in the same class, in that portion of the county in which that parcel is located, for which the commissioner is able to establish and publish a sales ratio study as determined by the applicable real estate assessment/sales ratio study published by the commissioner of revenue, may have the validity of his claim, defense, or objection determined by the district court of the county in which the tax is levied *or by the tax court* by serving two copies of a petition for such determination upon the county auditor and one copy each on the county treasurer and the county attorney and filing the same, with proof of such service, in the office of the clerk of the district court ~~on or~~ before the first day of June of the year in which such tax becomes payable. The county auditor shall immediately forward one copy of the petition to the appropriate governmental authority in a home rule charter or statutory city or town in which the property is located if that city or town employs its own certified assessor. *A petition for determination under this section may be transferred by the district court to the tax court.*

Sec. 10. Minnesota Statutes 1976, Section 278.03, is amended to read:

278.03 [PAYMENT OF PORTION OF TAX.] *Before filing such petition, and as a condition precedent thereto If the proceedings instituted by the filing of the petition have not been completed before the first day of June next following the filing , the petitioner shall pay to the county treasurer at least 50 percent of the tax levied for such year against the property involved, unless permission to file continue prosecution of the petition*

without such payment is obtained as herein provided ; which payment shall be endorsed by the county treasurer on the original petition before the same may be filed. Permission to file such petition without such payment may be . If the proceedings instituted by the filing of the petition have not been completed by the next November 1, the petitioner shall pay to the county treasurer 50 percent of the unpaid balance of the taxes levied for the year against the property involved, unless permission to continue prosecution of the petition without payment is obtained as herein provided. The petitioner, upon ten days notice to the county attorney and to the county auditor, given at least ten days prior to the first day of June or the first day of November , may apply to the court for permission to file continue prosecution of the petition without such payments payment ; and, if it is made to appear

- (1) That the proposed review is to be taken in good faith;
- (2) That there is probable cause to believe that the property may be held exempt from the tax levied or that the tax may be determined to be less than 50 percent of the amount levied; and
- (3) That it would work a hardship upon petitioner to pay 50 percent of such taxes .

The court may permit the petitioner to continue prosecution of the petition to be filed without such payment, or may fix a lesser amount to be paid as a condition precedent to the right to file the same. Payment of the amount so fixed shall be endorsed on the order by the county treasurer of continuing the prosecution of the petition .

If the court shall allow the filing of the petition without such payment or fix the amount to be paid, then the matter shall stand for trial without further payment. In all other cases, if the proceedings instituted by the filing of such petition have not been completed before November first, next following the filing of such petition, the petitioner shall pay 50 percent of the remaining unpaid taxes for the current year or 50 percent of the remaining unpaid taxes based upon the probable value of such property, if the value has been found by the court upon application as aforesaid. Failure to make payment of such additional the amount required when due shall operate automatically to dismiss the petition and all proceedings thereunder unless such the payment is waived by an order of the court upon application as hereinafter provided. The petitioner, upon ten days' notice to the county attorney and to the county auditor, given at least ten days prior to November first, may apply to the court for an order waiving the requirement of such additional payment, upon the same grounds as set forth herein, for relief from the requirement to pay the original 50 percent of such taxes, except that he must show that the tax may be determined to be less than 75 percent of the amount levied permitting the petitioner to continue prosecution of the petition without payment . The county treasurer shall , upon request of the petitioner, issue duplicate receipts for such additional the tax payment, one of which shall be filed by the petitioner in such the proceeding.

Sec. 11. *This act is effective July 1, 1977.*"

Further, strike the title and insert:

"A bill for an act relating to the tax court; providing for review of certain tax matters by the tax court; modifying procedures that condition the right to prosecute the tax matter; specifying qualifications of judges; providing for administration of the tax court; amending Minnesota Statutes 1976, Sections 274.19, Subdivisions 4 and 5; 277.011, Subdivision 3; 278.03; and Minnesota Statutes, 1977 Supplement, Sections 271.01, by adding a subdivision; 271.02; 271.04; 271.06, Subdivision 2; 277.011, Subdivision 1; and 278.01."

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

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

S. F. No. 1755: A bill for an act relating to shade tree disease control; clarifying utilization of appropriations; authorizing extension of temporary rules; repealing Laws 1977, Chapter 90, Section 14, Subdivision 4.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivision 3a, is amended to read:

Subd. 3a. [GRANTS TO MUNICIPALITIES.] (a) The commissioner may, in the name of the state and within the limit of appropriations provided, make grants-in-aid to a municipality with an approved disease control program for the partial funding of municipal sanitation and reforestation programs. The commissioner may make grants-in-aid to any home rule charter or statutory city of more than 40,000 population in the metropolitan area as defined in subdivision 1 or a combination of such cities of 40,000 combined population under a joint powers agreement pursuant to section 471.59, or a home rule charter or statutory city of more than 20,000 population outside the metropolitan area or a combination of such cities of 20,000 combined population under a joint powers agreement pursuant to section 471.59 any special purpose park and recreation board organized under a charter of a city of the first class or any non-profit corporation serving a city of the first class or any county having an approved disease control program for the acquisition or implementation of a wood utilization or disposal system.

(b) The commissioner shall promulgate rules for the administration of grants authorized by this subdivision. The rules shall establish and contain as a minimum:

- (1) Procedures for grant applications;
- (2) Conditions and procedures for the administration of grants;

(3) Criteria of eligibility for grants including, but not limited to, those specified in this subdivision; and

(4) Such other matters as the commissioner may find necessary to the proper administration of the grant program.

(c) Grants-in-aid payments for wood utilization and disposal systems made by the commissioner pursuant to this subdivision shall not exceed 50 percent of the total cost of the system. Grants to any municipality for sanitation shall not exceed 45 percent of sanitation costs approved by the commissioner including any amount of sanitation costs paid by special assessments, ad valorem taxes, federal grants or other funds. A municipality shall not specially assess a property owner any amount greater than the amount of the tree's sanitation cost minus the amount of the tree's sanitation cost reimbursed by the commissioner. Grants to municipalities for reforestation shall not exceed the lesser of 50 percent of the cost or \$40 multiplied by the number of trees planted pursuant to the reforestation program and shall be limited for any municipality in any year to grants for not more than the number of trees removed on public property in the sanitation program in the previous year, except during the first year of any approved disease control program; provided that a reforestation grant to any county may include up to 90 percent of the cost of the first 50 trees planted on public property in a town not described in subdivision 1 and of less than 1,000 population upon the town's application to the county; *provided further, that reforestation grants to towns as described in subdivision 1 a municipality of less than 1,000 population with an approved disease control program may include up to 90 percent of the first 50 trees planted on public property. For the purpose of this subdivision, "cost" shall not include the value of a gift or dedication of trees required by a municipal ordinance or any revenue from a special assessment but shall include documented "in kind" services or voluntary work for municipalities with a population of less than 1,000 according to the 1970 census.*

(d) Based upon estimates submitted by the municipality to the commissioner, which shall state the estimated costs of sanitation and reforestation in the succeeding quarter under an approved program, the commissioner shall direct quarterly advance payments to be made by the state to the municipality commencing April 1, 1977. The commissioner shall direct adjustment of any overestimate in a succeeding quarter. A municipality may elect to receive the proceeds of its sanitation and reforestation grants on a periodic cost reimbursement basis.

(e) A home rule charter or statutory city, or county outside the metropolitan area or any municipality, as defined in subdivision 1, may submit an application for a grant authorized by this subdivision concurrently with its request for approval of a disease control program.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivision 4, is amended to read:

Subd. 4. [SUBSIDIES TO CERTAIN OWNERS.] A muni-

cipality may provide subsidies to nonprofit organizations, to owners of private residential property of five acres or less, to owners of property used for a homestead of more than five acres but less than 20 acres and to nonprofit cemeteries, however organized, for the approved treatment or removal of diseased shade trees.

Notwithstanding any law to the contrary, an owner of property on which shade trees are located may contract with a municipality to provide protection against the cost of approved treatment or removal of diseased shade trees or shade trees that will contribute to the spread of shade tree diseases. Under such contracts, the municipality shall pay for the removal or approved treatment under such terms and conditions as may be determined by the governing body of the municipality.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivision 11, is amended to read:

Subd. 11. [REPORT TO THE LEGISLATURE.] On or before January 31 of each year, the commissioner shall report to the legislature on the preceding year's approved disease control programs and any experimental programs conducted pursuant to subdivision 10a. *The commissioner, with the assistance of the Minnesota energy agency, shall investigate and evaluate the potential uses of wood infected with shade tree disease, including the uses as an alternative energy source and as a component in the construction or manufacture of new products. The commissioner shall include the results of the investigation and any recommendations for proposed relevant legislation in the report to the legislature due on or before January 31, 1979.*

Sec. 4. Minnesota Statutes 1976, Section 89.38, is amended to read:

89.38 [PROHIBITION; PENALTIES.] It shall be unlawful for a period of ten years from the date of purchase for any person who purchases trees from the commissioner to use or permit the use of planting stock furnished hereunder for any purpose not authorized hereunder, or to sell, give, remove, or permit the removal with roots attached of any tree previously planted from stock furnished hereunder for replanting on any ground other than his own or for any purpose not authorized hereunder. Any violation of this section shall be a misdemeanor.

Sec. 5. Minnesota Statutes 1976, Section 89.391, is amended to read:

89.391 [NURSERY INSPECTION CERTIFICATES; LIMITATIONS ON ISSUANCE.] No certificate of inspection shall be issued pursuant to section 18.51 by the commissioner of agriculture to a person who is determined by the commissioner of natural resources to have purchased trees from him pursuant to sections 89.35 to 89.39 and who is selling, giving, removing, or permitting the removal of the trees with roots attached, in violation of section 89.38.

Sec. 6. Minnesota Statutes, 1977 Supplement, Section 275.50, Subdivision 6, is amended to read:

Subd. 6. The cost to a governmental unit of implementing section 18.023, including sanitation and reforestation, as defined in section 18.023, subdivision 1, is a "special levy" and is not subject to tax levy limitations including those contained in sections 275.50 to 275.56 and in Laws 1969, Chapter 593, as amended by Laws 1974, Chapter 108, commencing with the levy made in 1976, payable in 1977; and terminating with the levy made in 1977, payable in 1978. A governmental subdivision may make a supplementary levy in 1977, payable in 1978, for all costs of implementing section 18.023 incurred in calendar year 1977 for which a levy was not made in 1976, payable in 1977. For the purpose of calculating the tax levy limit base under section 275.51, for levy year 1977, taxes payable 1978, there shall be subtracted from the levy limit base of any governmental subdivision an amount equal to 112 percent of the amount levied under section 18.023 in levy year 1974, taxes payable 1975, and included in the levy limit base of the governmental subdivision as a result of Laws 1975, Chapter 437."

Page 1, strike lines 13 to 15

Page 2, after line 3, insert:

"Sec. 9. [APPROPRIATION.] *There is appropriated from the general fund to the commissioner of agriculture the following amounts for the following purposes for the period January 1, 1979 to December 31, 1979:*

(a) *For grants for sanitation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a, \$ . . . . .*

(b) *For grants for reforestation programs pursuant to Minnesota Statutes, Section 18.023, Subdivision 3a, \$ . . . . .*

*The appropriation made in this section is in addition to the appropriations made in Laws 1977, Chapter 90, Section 14."*

Page 2, strike section 3

Underline all new language in the bill

Renumber the sections in sequence

Amend the title as follows:

Line 2, strike "shade tree disease control" and insert "trees" and after the semicolon insert "clarifying municipal costs eligible for reimbursement by the state; authorizing municipal subsidies to certain persons; requiring an investigation of uses of diseased wood; authorizing the transfer of certain trees purchased from the state; extending the special levy authority for sanitation and reforestation;"

Line 3, after "appropriations" insert "for shade tree disease control"

Line 4, strike "repealing Laws 1977,"

Line 5, strike "Chapter 90, Section 14, Subdivision 4" and in-

sert "appropriating money; amending Minnesota Statutes 1976, Sections 89.38 and 89.391; and Minnesota Statutes, 1977 Supplement, Sections 18.023, Subdivisions 3a, 4 and 11; and 275.50, Subdivision 6"

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

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

S. F. No. 622: A bill for an act relating to liquefied petroleum gas pipelines; minimum depth in certain areas; landowners liability; amending Minnesota Statutes 1976, Chapter 299F, by adding a section.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Chapter 299F, is amended by adding a section to read:

[299F.65] [PIPELINES; MINIMUM BURIAL DEPTH.]  
*Subdivision 1. [DEPTH; ENFORCEMENT.] Except as provided in subdivision 2, any pipeline designed for the transportation of natural or liquefied petroleum gas, crude oil or other petroleum product or derivative and installed after the effective date of this act shall be buried with a minimum level cover of not less than four and one-half feet in all areas where the pipeline crosses the right of way of any state, county, town or municipal street or highway and where the pipeline crosses private cultivated agricultural land. The fire marshal wherever practicable shall employ spot checks and issue certificates of compliance in order to enforce the provisions of this section. Violations of this section may be restrained in accordance with the provisions of section 299F.61.*

*Subd. 2. [WAIVER OF DEPTH REQUIREMENT.] In any easement granting right of way over cultivated agricultural land for any pipeline described in subdivision 1 the owner of that land may waive the minimum burial depth requirement of subdivision 1 with respect to all or part of the pipeline to be buried under that land. A waiver of the minimum burial depth requirement of subdivision 1 shall be effective only if the waiver*

*(a) is separately and expressly stated in the easement agreement and includes an express statement by the owner acknowledging that he has read and understood the waiver;*

*(b) is printed in larger and contrasting type and in language understandable to an average person not learned in law; and*

*(c) is separately signed and acknowledged by all parties to the easement agreement.*

Any public agency authorized by law to approve the use of the right of way of any public street or highway for a pipeline de-



*scribed in subdivision 1 may waive the minimum burial depth requirement of subdivision 1 if the approved depth of burial or other means approved for the use of the right of way adequately protects the health and safety of the public.*

Sec. 2. Minnesota Statutes 1976, Section 299F.61, is amended to read:

299F.61 [INJUNCTIVE RELIEF.] Subdivision 1. The district courts of the state of Minnesota shall have jurisdiction, subject to the provisions of the statutes and the rules of practice and procedure of the state of Minnesota relative to civil actions in the district courts, to restrain violations of sections 299F.56 to 299F.64 299F.65, including the restraint of transportation of gas or the operation of a pipeline facility, or to enforce standards established hereunder upon petition by the attorney general on behalf of the state of Minnesota. Whenever practicable, the state fire marshall shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. However, the failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

Subd. 2. Actions under sections 299F.56 to 299F.64 299F.65 shall be brought in the district in the state of Minnesota wherein the defendant's principal place of business is located, and process in such cases may be served in any other district in the state of Minnesota where the defendant may be found or of which the defendant is an inhabitant or transacts business.

Sec. 3. [LIMITATION OF LIABILITY.] Subdivision 1. Any owner or lessee of any real property or any person acting with the authority of that owner or lessee who, in the ordinary conduct of agricultural operations upon that property, causes any damage to any underground pipeline utilized for the transportation of natural or liquified petroleum gas, crude oil or other petroleum product or derivative shall not be liable for any of the direct or incidental costs of repairing, restoring or replacing the pipeline in the absence of a showing of gross negligence or willful or wanton misconduct. "Ordinary conduct of agricultural operations" includes the installation or repair of agricultural drainage tile.

Subd. 2. An owner or lessee of any real property or a person acting with his authority who installs or repairs agricultural drainage tile on that property shall not be relieved of any liability as provided in subdivision 1 unless that owner, lessee or other person acting with his authority notifies the designated agent of the owner or operator of the pipeline of the intention to install or repair drainage tile on the property at least seven days before that work commences. An owner or operator of a pipeline shall provide to the county auditor of each county in which that pipeline is located the name, address and phone number of the individual to whom notice shall be given as provided in this subdivision. Notice is effective if made in writing by certified or registered mail to this designated agent of the owner or operator of the pipeline.

Sec. 4. *This act is effective the day following final enactment.*”

Strike the title in its entirety and insert

“A bill for an act relating to liquified petroleum gas and other pipelines; requiring minimum depth in certain areas; allowing an informed waiver of the depth requirement; limiting landowners liability; imposing duties on the state fire marshal; providing a remedy for violations; amending Minnesota Statutes 1976, Section 299F.61; and Chapter 299F, by adding a section.”

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

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

H. F. No. 338: A bill for an act relating to commerce; providing an exclusive remedy for products liability actions; providing a statute of limitations; providing certain defenses; providing for the reporting of claims to the commissioner of insurance.

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

Strike everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1976, Section 541.05, is amended to read:

541.05 [VARIOUS CASES, SIX YEARS.] *Subdivision 1.* Except where the uniform commercial code otherwise prescribes, the following actions shall be commenced within six years:

(1) Upon a contract or other obligation, express or implied, as to which no other limitation is expressly prescribed;

(2) Upon a liability created by statute, other than those arising upon a penalty or forfeiture or where a shorter period is provided by section 541.07;

(3) For a trespass upon real estate;

(4) For taking, detaining, or injuring personal property, including actions for the specific recovery thereof;

(5) For criminal conversation, or for any other injury to the person or rights of another, not arising on contract, and not hereinafter enumerated;

(6) For relief on the ground of fraud, in which case the cause of action shall not be deemed to have accrued until the discovery by the aggrieved party of the facts constituting the fraud;

(7) To enforce a trust or compel a trustee to account, where he has neglected to discharge the trust, or claims to have fully performed it, or has repudiated the trust relation;

(8) Against sureties upon the official bond of any public officer, whether of the state or of any county, town, school district, or a

municipality therein; in which case the limitation shall not begin to run until the term of such officer for which the bond was given shall have expired;

(9) For damages caused by a dam, used for commercial purposes.

*Subd. 2. Unless otherwise provided by law, any action based on the strict liability of the defendant and arising from the manufacture, sale, use or consumption of a product shall be commenced within four years.*

Sec. 2. Minnesota Statutes 1976, Section 541.07, is amended to read:

541.07 [TWO YEAR LIMITATIONS.] Except where the uniform commercial code otherwise prescribes, the following actions shall be commenced within two years:

(1) For libel, slander, assault, battery, false imprisonment, or other tort, resulting in personal injury, and all actions against physicians, surgeons, dentists, hospitals, sanatoriums, for malpractice, error, mistake or failure to cure, whether based on contract or tort; provided a counter-claim may be pleaded as a defense to any action for services brought by a physician, surgeon, dentist, hospital or sanatorium, after the limitations herein described notwithstanding it is barred by the provisions of this chapter, if it was the property of the party pleading it at the time it became barred and was not barred at the time the claim sued on originated, but no judgment thereof except for costs can be rendered in favor of the party so pleading it;

(2) Upon a statute for a penalty or forfeiture;

(3) For damages caused by a dam, other than a dam used for commercial purposes; but as against one holding under the pre-emption or homestead laws, such limitations shall not begin to run until a patent has been issued for the land so damaged;

(4) Against a master for breach of an indenture of apprenticeship; the limitation, in such case, to run from the expiration of the term of service;

(5) For the recovery of wages or overtime or damages, fees or penalties accruing under any federal or state law respecting the payment of wages or overtime or damages, fees or penalties. (The term "wages" as used herein shall mean all remuneration for services or employment, including commissions and bonuses and the cash value of all remuneration in any medium other than cash, where the relationship of master and servant exists and the term "damages," as used herein, shall mean single, double, or treble damages, accorded by any statutory cause of action whatsoever and whether or not the relationship of master and servant exists);

(6) For damages caused by the establishment of a street or highway grade or a change in the originally established grade;

(7) For sales or use taxes imposed by the laws of any other state ;

(8) *Against the person who applies the pesticide for injury or damage to property resulting from the application, but not the manufacture or sale, of a pesticide.*

Sec. 3. Minnesota Statutes 1976, Chapter 544, is amended by adding a section to read:

[544.23] [AD DAMNUM: LIMITATION.] *In a pleading in a civil action which sets forth an unliquidated claim for relief, whether an original claim, cross-claim, or third-party claim, if a recovery of money is demanded in an amount less than \$50,000, the amount shall be stated. If a recovery of money in an amount greater than \$50,000 is demanded, the pleading shall state merely that recovery of reasonable damages in an amount greater than \$50,000 is sought.*

*This section may be superseded by an amendment to the rules of civil procedure adopted after July 31, 1978.*

Sec. 4. Minnesota Statutes 1976, Chapter 549, is amended by adding a section to read:

[549.20] [PUNITIVE DAMAGES.] *Subdivision 1. Punitive damages shall be allowed in civil actions only upon clear and convincing evidence that the acts of the defendant show a willful indifference to the rights or safety of others.*

*Subd. 2. Punitive damages can properly be awarded against a master or principal because of an act done by an agent only if:*

*(a) the principal authorized the doing and the manner of the act, or*

*(b) the agent was unfit and the principal was reckless in employing him, or*

*(c) the agent was employed in a managerial capacity and was acting in the scope of employment, or*

*(d) the principal or a managerial agent of the principal ratified or approved the act.*

*Subd. 3. Punitive damages may be awarded and their amount fixed only by the court. Any award of punitive damages shall be measured by those factors which justly bear upon the purpose of punitive damages, including the seriousness of hazard to the public arising from the defendant's misconduct, the profitability of the misconduct to the defendant, the duration of the misconduct and any concealment of it, the degree of the defendant's awareness of the hazard and of its excessiveness, the attitude and conduct of the defendant upon discovery of the misconduct, the number and level of employees involved in causing or concealing the misconduct, the financial condition of the defendant, and the total effect of other punishment likely to be imposed upon the defendant as a result of the misconduct, including compensatory and punitive damage awards to the plaintiff and other similarly situated persons, and the severity of any criminal penalty to which the defendant may be subject.*

Sec. 5. Minnesota Statutes 1976, Chapter 549, is amended by adding a section to read:

[549.21] [REIMBURSEMENT FOR CERTAIN COSTS IN CIVIL ACTIONS.] *Upon motion of a party prevailing as to an issue, the court in its discretion may award to that party costs, disbursements, reasonable attorney fees and witness fees relating to the issue if the party or attorney against whom costs, disbursements, reasonable attorney and witness fees are charged acted in bad faith as to that issue. To qualify for an award under this section, a party shall give timely notice of intent to claim an award, which notice shall in any event be given prior to the resolution of the issue.*

Sec. 6. Minnesota Statutes 1976, Section 604.01, Subdivision 1, is amended to read:

604.01 [COMPARATIVE FAULT; EFFECT.] Subdivision 1. [SCOPE OF APPLICATION.] *Contributory negligence fault shall not bar recovery in an action by any person or his legal representative to recover damages for negligence fault resulting in death or in injury to person or property, if such negligence the contributory fault was not as great as the negligence of the person total fault attributable to the persons against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of negligence fault attributable to the person recovering. The court may, and when requested by either any party shall, direct the jury to find separate special verdicts determining the amount of damages and the percentage of negligence fault attributable to each party; and the court shall then reduce the amount of such damages in proportion to the amount of negligence fault attributable to the person recovering. When there are two or more persons who are jointly liable, contributions to awards shall be in proportion to the percentage of negligence attributable to each, provided, however, that each shall remain jointly and severally liable for the whole award.*

Sec. 7. Minnesota Statutes 1976, Section 604.01, is amended by adding a subdivision to read:

Subd. 1a. *"Fault" includes acts or omissions that are in any measure negligent or reckless toward the person or property of the actor or others, or that subject a person to strict tort liability. The term also includes breach of warranty, unreasonable assumption of risk not constituting an express consent, misuse of a product and unreasonable failure to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.*

Sec. 8. Minnesota Statutes 1976, Chapter 604, is amended by adding a section to read:

[604.02] [APPORTIONMENT OF DAMAGES.] Subdivision 1. *When two or more persons are jointly liable, contributions to awards shall be in proportion to the percentage of fault attributable to each, except that each is jointly and severally liable for the whole award.*

*Subd. 2. Upon motion made not later than one year after judgment is entered, the court shall determine whether all or part of a party's equitable share of the obligation is uncollectible from that party and shall reallocate any uncollectible amount among the other parties, including a claimant at fault, according to their respective percentages of fault. A party whose liability is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment.*

*Subd. 3. In the case of a claim arising from the manufacture, sale, use or consumption of a product, an amount uncollectible from any person in the chain of manufacture and distribution shall be reallocated among all other persons in the chain of manufacture and distribution but not among the claimant or others at fault who are not in the chain of manufacture or distribution of the product.*

Sec. 9. Minnesota Statutes 1976, Chapter 604, is amended by adding a section to read:

[604.03] [USEFUL LIFE OF PRODUCT.] *Subdivision 1. In any action for the recovery of damages for personal injury, death or property damage arising out of the manufacture, sale, use or consumption of a product, it is a defense to a claim against a designer, manufacturer, distributor or seller of the product or a part thereof, that the injury was sustained following the expiration of the ordinary useful life of the product.*

*Subd. 2. The useful life of a product is not necessarily the life inherent in the product, but is the period during which with reasonable safety the product should be useful to the user. This period shall be determined by reference to the experience of users of similar products, taking into account present conditions and past developments, including but not limited to (1) wear and tear or deterioration from natural causes, (2) the progress of the art, economic changes, inventions and developments within the industry, (3) the climatic and other local conditions peculiar to the user, (4) the user's policy as to repairs, renewals and replacements, and (5) the useful life as stated by the designer, manufacturer, distributor, or seller of the product in brochures or pamphlets furnished with the product or in a notice attached to the product.*

Sec. 10. Minnesota Statutes 1976, Chapter 604, is amended by adding a section to read:

[604.04] [NOTICE OF POSSIBLE CLAIM REQUIRED.] *Subdivision 1. The attorney for a person who intends to claim damage for or on account of personal injury, death or property damage arising out of the manufacture, sale, use or consumption of a product shall cause to be presented a notice of possible claim stating the time, place and circumstances of events giving rise to the claim and an estimate of compensation or other relief to be sought. This notice shall be given within six months of the date of entering into an attorney-client relation with the claimant in regard to the claim. Notice shall be given to all persons against whom the claim is likely to be made, except that notice by the claimant's*

attorney to one person in the chain of manufacture and distribution satisfies the requirement of notice to all others in the chain if the notice is accompanied by a demand that the recipient of the notice forward notice to all others in the chain of manufacture and distribution known to him and against whom he believes a claim may be made. The person notified by the claimant's attorney shall comply with the demand to give notice and shall promptly forward to the claimant's attorney the names and addresses of all others in the chain of manufacture and distribution whom he has notified of the possible claim.

A person in the chain of manufacture and distribution who is required by this section to give notice to other persons in the chain of manufacture and distribution shall include in the notice a list of those receiving the same notice, and a demand that the recipient forward a similar notice to all others in the chain of manufacture and distribution who are not on the list and are known to him and against whom he believes a claim may be made. Any recipient of a notice of possible claim accompanied by a demand to give notice to others shall comply with the demand and promptly forward to claimant's attorney the names and addresses of the persons notified.

Actual notice of sufficient facts to reasonably put a person against whom the claim is to be made or his insurer on notice of a possible claim satisfies the notice requirements of this section. Failure to state an estimate of the amount of compensation or other relief demanded does not invalidate the notice, but the claimant shall furnish full information regarding the nature and extent of the injuries and damages within 15 days after demand by a person to whom the notice was given or his insurer.

Subd. 2. A claimant who delays entering into an attorney-client relation with the purpose of delaying unreasonably the notice required by subdivision 1 is subject to liability as provided in subdivision 3.

Subd. 3. Any person injured by the failure of a claimant or his attorney or of a person in the chain of manufacture and distribution to comply with the requirements of this section may recover damages, costs and reasonable attorney fees from a person who violated this section, but failure to give notice does not affect the validity of a claim against a party who did not receive notice.

Sec. 11. [EFFECTIVE DATE.] Sections 1, 2, 4, 5, 6, 7, 8, 9 and 10 are effective the day following final enactment, and apply to all causes of action arising on or after that date.

Section 3 is effective August 1, 1978. "

Further, amend the title as follows:

Strike the title in its entirety and insert:

"A bill for an act relating to civil actions; limiting ad damnum clauses; establishing rules for punitive damages; authorizing costs and attorney fees to be awarded when one party acts in bad faith; modifying rules of comparative fault, contribution, and joint lia-

bility; codifying a useful life defense; requiring notice of possible claims; establishing a statute of limitations for certain strict liability actions and for actions based on the application of pesticides; amending Minnesota Statutes 1976, Sections 541.05; 541.07; 604.01, Subdivision 1, and by adding a subdivision; and Chapters 544, by adding a section; 549, by adding sections; and 604, by adding sections."

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

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

S. F. No. 2069: A bill for an act relating to the city of Rochester; certain positions in the police department.

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

Page 1, line 13, strike "under the control and direction of the chief of police" and insert "employed within the police department;"

Page 1, line 17, after the period insert "The city shall by ordinance provide for benefits and for procedures in the hiring, and dismissal of employees excluded from the jurisdiction of the police civil service commission."

Amend the title as follows:

Page 1, line 2, after the semicolon insert "transferring"

Page 1, line 3, strike "in the police department" and insert "from the jurisdiction of the police civil service commission"

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

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

S. F. No. 2155: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted and obsolete references and text; eliminating duplicate, redundant, conflicting and superseded provisions; amending Minnesota Statutes 1976, Sections 6.58; 15.0411, Subdivision 3; 16A.26; 40.072, Subdivision 3; 41.53, Subdivision 2; 44.06, Subdivision 2; 53.03, by adding a subdivision; 84A.55, Subdivision 14; 150A.09, Subdivision 1; 161.09, Subdivision 1; 161.14, Subdivision 19; 251.09; 251.10; 251.11; 251.12; 251.13; 254A.08, Subdivision 3; 270.08; 290.24; 290.49, Subdivision 10; 326.08, Subdivision 2; 366.10; 475.51, Subdivision 1; Minnesota Statutes, 1977 Supplement, Sections 15.0411, Subdivision 2; 15A.083, Subdivision 2; 16A.129; 50.14, Subdivision 5; 116C.63, Subdivision 4; 214.01, Subdivision 3; 256B.48, Subdivision 1; 290.01, Subdivision 20; 290.09, Subdivision 4; 319A.02, Subdivision 2; 343.08; 517.08, Subdivision 1; 593.42, Subdivision 5; 593.45, Subdivision 4; 593.46, Subdivision 2; Extra-Session Laws



1959, Chapter 19, by adding a section; repealing Minnesota Statutes 1976, Sections 33.10; 33.11; 33.12; 33.14; 33.15; 33.171; 270.051, Subdivision 1; 602.04; Minnesota Statutes, 1977 Supplement, Sections 33.13; Laws 1975, Chapters 61, Section 8; 136, Sections 11, 13, 57 and 58; Laws 1976, Chapters 44, Section 18; 163, Section 54; 222, Sections 25, Subdivision 8, and 78; 263, Section 8; Laws 1977, Chapters 264, Section 3; 299, Section 6; 326, Section 8; 346, Section 7.

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

Page 14, after line 6, insert:

*"Sec. 59. Minnesota Statutes, 1977 Supplement, Section 488.04, Subdivision 3a, is repealed.*

Sec. 60. In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute "*certified mail*" for "*registered mail*" wherever the latter term appears, except when the purpose is to insure articles of monetary value."

Page 9 of the memorandum of explanation, after line 17, add:

*"Sec. 59. Explanation. [COURTS; RENT DEPOSIT JURISDICTION.]* All of Minnesota Statutes, Chapter 488, governing municipal courts was repealed by Laws 1977, Chapter 432. The earlier Laws 1977, Chapter 129, added this jurisdictional provision. The subject is now covered in the county and county municipal court laws.

Sec. 60. *Explanation. [CERTIFIED AND REGISTERED MAIL.]* Certified mail serves all the purposes of registered mail except insurance and it is simpler and cheaper."

Amend the title as follows:

Page 1, line 28, after "33.13;" insert "and 488.04, Subdivision 3a;"

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

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

S. F. No. 1564: A bill for an act relating to administrative procedures of government agencies; adding metropolitan and capitol area agencies to the coverage of the administrative procedure act; amending Minnesota Statutes 1976, Section 15.0411, Subdivision 2.

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

Strike everything after the enacting clause and insert:

*"Section 1. [METROPOLITAN ADMINISTRATIVE PROCEDURES.]* Subdivision 1. *[TASK FORCE; STUDY.]* There is created a task force on metropolitan administrative procedures to consist of the following members: the chairman of the metropolitan

council or his designee who shall serve as chairperson of the task force; one member or representative of each of the following metropolitan commissions to be appointed by the respective commissions: airports, sports facilities, transit and waste control; one member each to be appointed by the governing bodies of the league of Minnesota cities and the association of Minnesota counties; the attorney general or his designee; the chief hearing examiner or his designee; and six persons appointed by the following legislators to represent other public and private groups which have demonstrated an interest in metropolitan administrative procedures: two appointed by the majority leader of the senate, two by the speaker, and one each by the minority leaders of the senate and house. The task force shall study and evaluate the administrative procedures used by the council and the commissions in the issuance of policies, rules and other general statements, and in the issuance of decisions affecting individual rights and privileges. Necessary staff and administrative support services shall be provided by the metropolitan council.

Subd. 2. [APPLICABILITY OF THE STATE ADMINISTRATIVE PROCEDURE ACT.] In performing this study the task force shall review and comment on the experience of the council and commissions in applying the administrative procedure act as permitted by Laws 1977, Chapter 443, Section 11 and as required by other law.

Subd. 3. [STUDY GOALS.] The task force shall study, evaluate and make recommendations in respect to each of the following: (1) retention of procedures currently in use by the council and commissions, (2) adoption of procedural changes in respect to individual activities or types of activities, (3) passage of a general procedures enabling law pursuant to which the council and the commissions would formulate specific procedures for their various types of activities, (4) passage of a metropolitan procedure act to apply to all covered activities, and (5) application of all or part of the state administrative procedure act to council and commission activities. In evaluating each of the preceding the task force shall determine the degree to which each provides the public with the degree of fairness, uniformity, predictability, access, visibility, responsiveness and deliberateness necessary for the proper administration of council and commission activities. In considering these alternatives, the task force shall hold hearings to receive public testimony and shall give adequate notice of these hearings to interested groups and persons.

Subd. 4. [WORK PLAN.] Before June 1, 1978, the task force shall prepare and submit for review to the senate governmental operations committee and the house local and urban affairs committee a proposed study design and detailed work program. Periodically through the course of the study, the task force shall report on progress to the legislative committees. The task force shall prepare a report which shall discuss each of the options listed in subdivision 3 in respect to the evaluative criteria stated therein and any other relevant matters the task force wishes to bring to the attention of the legislature, the council or the commissions.

The report shall also contain the recommendations and suggested statutory amendments of the task force and shall be submitted to the legislature, the council and the commissions no later than January 15, 1979.

Sec. 2. [EFFECTIVE DATE.] The act is effective the day following final enactment and shall expire July 1, 1979."

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

"A bill for an act relating to metropolitan government; providing for a study of administrative procedures used by metropolitan agencies; mandating consideration of certain statutory alternatives; creating a task force."

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

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

H. F. Nos. 1858 and 1864 for comparison with 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.
1858	1807				
1864	1808				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1858 be amended as follows:

Page 11, line 31, after "1978" insert a new comma

And when so amended H. F. No. 1858 will be identical to S. F. No. 1807, and further recommends that H. F. No. 1858 be given its second reading and substituted for S. F. No. 1807, 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.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1864 be amended as follows:

Page 2, line 17, before "relating" insert "of any applicable special law"

Page 2, lines 17 and 18 delete "of any applicable special law"

And when so amended H. F. No. 1864 will be identical to S. F. No. 1808, and further recommends that H. F. No. 1864 be given its second reading and substituted for S. F. No. 1808, and that the Senate File be indefinitely postponed.

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 1859, 712, 2062, 1608, 1750, 1949, 1824, 2106, 1848, 2078, 1967, 526, 2111, 2080, 1882, 1809, 1703, 1908, 2101, 2029, 1957, 322, 1748, 954 and H. F. No. 1744 makes the following report:

That S. F. Nos. 1859, 712, 2062, 1608, 1750, 1949, 1824, 2106, 1848, 2078, 1967, 526, 2111, 1882, 1809, 1703, 1908, 2101, 2029, 1957, 322, 1748, 954 and H. F. No. 1744 be placed on the General Orders Calendar in the order indicated.

That S. F. No. 2080 be referred to the Committee on Finance.

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

#### SECOND READING OF SENATE BILLS

S. F. Nos. 1194 and 1951 were read the second time.

S. F. Nos. 1468, 2136, 1747, 1130, 1905, 2023, 1759, 1952, 1862, 1641, 2166, 1909, 1901, 2025, 1916, 1660, 2154, 1764, 2048, 1193, 1885, 622, 2069, 2155 and 1564 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### SECOND READING OF HOUSE BILLS

H. F. Nos. 1858 and 1864 were read the second time.

H. F. Nos. 1442 and 338 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### MOTIONS AND RESOLUTIONS

Mr. Chmielewski moved that the names of Messrs. Solon; Ulland, J. and Johnson be added as co-authors to S. F. No. 1623. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Merriam be added as co-author to S. F. No. 2320. The motion prevailed.

Mr. Schaaf moved that the name of Mr. Merriam be added as co-author to S. F. No. 2338. The motion prevailed.

Mrs. Brataas moved that the name of Mr. Laufenburger be added as co-author to S. F. No. 2342. The motion prevailed.

Mr. Hughes moved that his name be stricken as chief author and Mr. Stumpf be shown as chief author to S. F. No. 1544. The motion prevailed.

Mr. Schmitz moved that the name of Mr. Nelson be added as co-author to S. F. No. 1856. The motion prevailed.

Mr. Knoll introduced—

Senate Resolution No. 28: A Senate resolution congratulating

the Washburn High School basketball team on winning the Minneapolis Conference Championship.

Referred to the Committee on Rules and Administration.

### THIRD READING OF SENATE BILLS

S. F. No. 1021: A bill for an act relating to natural resources; recodifying statutes relating to certain conservation areas; abolishing consolidated conservation areas fund; repealing obsolete provisions; appropriating money; amending Minnesota Statutes 1976, Sections 84A.01; 84A.03; 84A.07; 84A.10; 84A.51, Subdivision 4; 84A.52; 84A.53; 84A.55, Subdivisions 1, 3, 6, 8, 9, 10, 11, and 12; 281.23, Subdivision 8; 282.14; 282.16, Subdivision 1, and by adding subdivisions; 282.19; 282.21; and Laws 1961, Chapter 612, Section 1; repealing Minnesota Statutes 1976, Sections 84A.02; 84A.04; 84A.08; 84A.09; 84A.11; 84A.20 to 84A.23; 84A.26 to 84A.33; 84A.36 to 84A.42; 84A.50; 84A.51, Subdivisions 1, 2, and 3; 84A.54; 84A.55, Subdivision 14; and 282.221 to 282.226.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 837: A bill for an act relating to appropriations; converting certain open appropriations of dedicated receipts to direct appropriations; abolishing other open appropriations of dedicated receipts; abolishing certain dedicated funds and accounts; appropriating money; amending Minnesota Statutes 1976, Sections 15.05; 16.72, Subdivision 1; 18.411; 18.67; 34.07; 69.031, Subdivision 3; 69.55; 84.153; 84.154, Subdivision 5; 84.155, Subdivision 6; 84.86, Subdivision 1; 86.42, Subdivision 1; 89.035; 89.036; 89.21; 93.283, Subdivision 7; 93.335, Subdivision 4; 94.48; 97.49, Subdivision 7; 115.03, Subdivision 1; 116.41, Subdivision 2; 136A.29, Subdivision 22; 136A.30; 144.175, Subdivision 4; 160.285, Subdivision 3; 163.051, Subdivision 2; 168.54, Subdivision 5; 168A.31, Subdivision 1; 192.68, Subdivision 2; 192A.645; 197.02; 197.03; 197.05; 197.06; 246.41, Subdivision 2; 270.077; 299F.21; and 344.03, Subdivision 2; repealing Minnesota Statutes 1976, Sections 1.38; 16A.125, Subdivision 6; 21.114; 33.10; 33.11; 33.12 to 33.15;

33.171; 86.42, Subdivision 2; 94.49; 161.231; 168.54, Subdivisions 2, 3 and 6; 168A.31, Subdivision 2; 190.28; 197.04; 197.07; 241.25; 246.41, Subdivisions 1 and 3; 290.60; 360.389; 424.165; 458.50 to 458.60; 626.85, Subdivision 2; and Laws 1961, Chapter 472, Section 4, as added.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 838: A bill for an act relating to appropriations; converting certain standing appropriations to direct appropriations; abolishing other standing appropriations; appropriating money; amending Minnesota Statutes 1976, Sections 9.061, Subdivision 5; 97.482, Subdivision 2; and 638.08; repealing Minnesota Statutes 1976, Sections 7.07; and 144.146, Subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 839: A bill for an act relating to appropriations; converting certain open appropriations for retirement to direct appropriations; abolishing other open appropriations for retirement;

appropriating money; amending Minnesota Statutes 1976, Sections 3A.03, Subdivision 2; 3A.04, Subdivisions 3 and 4; 136.81, Subdivision 1; 352.04, Subdivision 5; 352.73, Subdivision 3; 352B.25; 352C.03, Subdivision 2; 352C.04, Subdivision 3; 352C.09, Subdivision 2; 353.83; 354.55, Subdivision 5; 354A.12; 355.46, Subdivision 3; 355.50; 490.123, Subdivision 1; Chapter 16A, by adding a section; repealing Minnesota Statutes 1976, Sections 3A.11, Subdivision 3; 352.73, Subdivision 4; 354.43, Subdivision 2; and 490.025, Subdivision 8.

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	Dieterich	Knoll	Penny	Stokowski
Ashbach	Dunn	Laufenburger	Peterson	Strand
Bang	Engler	Luther	Pillsbury	Stumpf
Benedict	Gunderson	Menning	Renneke	Ueland, A.
Bernhagen	Hanson	Merriam	Schrom	Ulland, J.
Borden	Hughes	Moe	Setzepfandt	Vega
Brataas	Jensen	Nelson	Sieloff	Wegener
Chenoweth	Johnson	Nichols	Sikorski	Willet
Chmielewski	Keefe, S.	Ogdahl	Sillers	
Coleman	Kirchner	Olhoft	Solon	
Davies	Knaak	Olson	Spear	

So the bill passed and its title was agreed to.

S. F. No. 1637: A bill for an act relating to political subdivisions; authorizing loans to acquire town halls; amending Minnesota Statutes, 1977 Supplement, Section 465.73.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1635: A bill for an act relating to St. Louis county; limiting the manner in which costs to collect a judgment may be defrayed; amending Laws 1961, Chapter 302, Section 3.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1446: A bill for an act relating to the state council for the handicapped; authorizing appeals by the council from state building code decisions affecting the interests of handicapped persons; granting the commissioner of administration authority to promulgate rules governing display of the international symbol of accessibility; authorizing the council to initiate or intervene in proceedings affecting handicapped persons; amending Minnesota Statutes 1976, Section 256.482, by adding a subdivision; Minnesota Statutes, 1977 Supplement, Section 256.48, Subdivision 5; and Chapter 16, by adding sections; repealing Minnesota Statutes 1976, Section 299G.12.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1743: A bill for an act relating to natural resources; clarifying the procedure for designation of wild, scenic and recrea-



tional rivers; amending Minnesota Statutes 1976, Section 104.35, Subdivisions 2 and 3.

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 55 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1616: A bill for an act relating to probate; enacting the Uniform International Wills Act; amending Minnesota Statutes 1976, Chapter 524, by adding sections.

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 13, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knaak	Ogdahl	Staples
Benedict	Gearty	Knoll	Olhoff	Stokowski
Bernhagen	Gunderson	Laufenburger	Olson	Strand
Chenoweth	Hanson	Lewis	Penny	Stumpf
Chmielewski	Hughes	Luther	Peterson	Vega
Coleman	Jensen	Merriam	Pillsbury	Wegener
Davies	Johnson	Moe	Setzepfandt	Willet
Dieterich	Keefe, S.	Nelson	Solon	
Dunn	Kirchner	Nichols	Spear	

Those who voted in the negative were:

Bang	Keefe, J.	Menning	Sieloff	Ulland, J.
Borden	Knutson	Renneke	Sillers	
Brataas	Lessard	Schrom	Ueland, A.	

So the bill passed and its title was agreed to.

S. F. No. 1662: A bill for an act relating to commerce; redefining "banking day"; amending Minnesota Statutes 1976, Section 336.4-104.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1606: A bill for an act relating to no-fault automobile insurance; increasing medical expense threshold for recovery of damages for non-economic detriment; amending Minnesota Statutes 1976, Section 65B.51, Subdivision 3.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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, Section 357.021, Subdivision 2; Chapter 525 by adding a section; and Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 1.

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 14, as follows:

Those who voted in the affirmative were:

Bang	Gearty	Laufenburger	Olhoft	Stumpf
Benedict	Gunderson	Lessard	Olson	Ueland, A.
Chenoweth	Hanson	Lewis	Penny	Vega
Chmielewski	Hughes	Luther	Peterson	Wegener
Coleman	Johnson	Menning	Pillsbury	Willet
Davies	Keefe, J.	Merriam	Sillers	
Dieterich	Keefe, S.	Moe	Solon	
Dunn	Kirchner	Nelson	Stokowski	
Engler	Knaak	Nichols	Strand	

Those who voted in the negative were:

Anderson	Brataas	Knutson	Schrom	Spear
Bernhagen	Jensen	Ogdahl	Setzepfandt	Ulland, J.
Borden	Knoll	Renneke	Sieloff	

So the bill passed and its title was agreed to.

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

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1229: A bill for an act relating to commerce; permitting price advertising of eyeglasses; amending Minnesota Statutes 1976, Section 148.57, Subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Bernhagen	Chmielewski	Dunn	Hanson
Ashbach	Borden	Coleman	Engler	Hughes
Bang	Brataas	Davies	Gearty	Jensen
Benedict	Chenoweth	Dieterich	Gunderson	Johnson

Keefe, J.	Luther	Olson	Sikorski	Ueland, A.
Keefe, S.	Menning	Penny	Sillers	Ulland, J.
Kirchner	Merriam	Peterson	Solon	Vega
Knaak	Moe	Pillsbury	Spear	Wegener
Knoll	Nelson	Renneke	Staples	Willet
Laufenburger	Nichols	Schrom	Stokowski	
Lessard	Ogdahl	Setzepfandt	Strand	
Lewis	Olhoff	Sieloff	Stumpf	

So the bill passed and its title was agreed to.

S. F. No. 1431: A bill for an act relating to food; providing for inspection and license fees for certain coin operated food vending machines; amending Minnesota Statutes, 1977 Supplement, Section 28A.03; and Minnesota Statutes 1976, Section 28A.09.

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 54 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knoll	Olhoff	Spear
Bang	Gearty	Knutson	Olson	Staples
Benedict	Gunderson	Laufenburger	Penny	Stokowski
Bernhagen	Hanson	Lewis	Peterson	Strand
Borden	Hughes	Luther	Pillsbury	Stumpf
Brataas	Jensen	Menning	Renneke	Ueland, A.
Chenoweth	Johnson	Merriam	Schrom	Ulland, J.
Chmielewski	Keefe, J.	Moe	Setzepfandt	Vega
Coleman	Keefe, S.	Nelson	Sikorski	Wegener
Dieterich	Kirchner	Nichols	Sillers	Willet
Dunn	Knaak	Ogdahl	Solon	

Mr. Lessard voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1611: A bill for an act relating to corporations; requiring domestic corporations to file an active status report with the secretary of state; requiring the secretary of state to perform certain duties; providing that corporations that fail to file reports shall lose exclusive right to their names; permitting corporations and others to utilize the names of corporations which have lost exclusive right to their names; establishing filing fees; appropriating money; amending Minnesota Statutes 1976, Chapter 301, by adding a section; and Section 301.05, Subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Olson	Staples
Ashbach	Gearty	Laufenburger	Penny	Stokowski
Benedict	Gunderson	Lessard	Peterson	Strand
Bernhagen	Hanson	Lewis	Pillsbury	Stumpf
Brataas	Hughes	Luther	Renneke	Ueland, A.
Chenoweth	Jensen	Menning	Setzepfandt	Ulland, J.
Chmielewski	Johnson	Merriam	Sieloff	Vega
Coleman	Keefe, S.	Moe	Sikorski	Wegener
Davies	Kirchner	Nelson	Sillers	Willet
Dieterich	Knaak	Nichols	Solon	
Dunn	Knoll	Olhoff	Spear	

Messrs. Bang; Keefe, J. and Ogdahl voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1622: A bill for an act relating to game and fish; requiring a trout stamp; providing for disposition of the proceeds; appropriating funds; amending Minnesota Statutes 1976, Section 98.46, by adding a subdivision; Minnesota Statutes, 1977 Supplement, Sections 98.46, Subdivision 2a; and 98.50, Subdivision 5.

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 28 and nays 29, as follows:

Those who voted in the affirmative were:

Benedict	Gearty	Knoll	Nichols	Strand
Borden	Gunderson	Laufenburger	Olson	Stumpf
Chenoweth	Hanson	Lewis	Renneke	Vega
Coleman	Hughes	Luther	Spear	Willet
Davies	Keefe, S.	Merriam	Staples	
Dunn	Kirchner	Nelson	Stokowski	

Those who voted in the negative were:

Anderson	Dieterich	Lessard	Peterson	Sillers
Ashbach	Engler	Menning	Pillsbury	Solon
Bang	Johnson	Moe	Schrom	Ueland, A.
Bernhagen	Keefe, J.	Ogdahl	Setzepfandt	Ulland, J.
Brataas	Knaak	Olhoff	Sieloff	Wegener
Chmielewski	Knutson	Penny	Sikorski	

So the bill failed to pass.

S. F. No. 1603: A bill for an act relating to Washington county; authorizing the city of Stillwater, the town of Stillwater and Washington county to jointly exercise planning and land use control powers; applying the authorization retroactively.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1698: A bill for an act relating to armories; authorizing disposition of unused armories to counties in addition to municipalities; amending Minnesota Statutes 1976, Section 193.36, Subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1684: A bill for an act relating to federal aid to state government; requiring consultation with the legislative advisory commission prior to expenditure of certain federal aid.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Borden	Davies	Gunderson	Keefe, J.
Ashbach	Brataas	Dieterich	Hanson	Keefe, S.
Bang	Chenoweth	Dunn	Hughes	Kirchner
Benedict	Chmielewski	Engler	Jensen	Knoll
Bernhagen	Coleman	Gearty	Johnson	Knutson

Laufenburger	Nelson	Pillsbury	Solon	Ulland, J.
Lessard	Nichols	Renneke	Spear	Vega
Lewis	Ogdahl	Schrom	Staples	Wegener
Luther	Olhoft	Setzepfandt	Stokowski	Willet
Menning	Olson	Sieloff	Strand	
Merriam	Penny	Sikorski	Stumpf	
Moe	Peterson	Sillers	Ueland, A.	

So the bill passed and its title was agreed to.

S. F. No. 1779: A bill for an act relating to public health; requiring owner identification marks on removable dental prostheses; prescribing penalties.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 53 and nays 3, as follows:

Those who voted in the affirmative were:

Bang	Gearty	Laufenburger	Penny	Staples
Benedict	Gunderson	Lessard	Peterson	Stokowski
Bernhagen	Hanson	Lewis	Pillsbury	Strand
Borden	Hughes	Luther	Renneke	Stumpf
Brataas	Johnson	Menning	Schrom	Ueland, A.
Chenoweth	Keefe, J.	Merriam	Setzepfandt	Ulland, J.
Chmielewski	Keefe, S.	Moe	Sieloff	Vega
Coleman	Kirchner	Nelson	Sikorski	Wegener
Davies	Knaak	Nichols	Sillers	Willet
Dunn	Knoll	Olhoft	Solon	
Engler	Knutson	Olson	Spear	

Messrs. Dieterich, Jensen and Ogdahl voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 1888: A bill for an act relating to elections; prohibiting misuse of campaign funds; providing a civil penalty; providing that compensation for personal services rendered to influence election of a candidate is not a prohibited expenditure; amending Minnesota Statutes 1976, Section 210A.19, Subdivision 1; and Chapter 210A, 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 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1955: A bill for an act relating to transportation construction contracts; defining the term "small business"; amending Minnesota Statutes, 1977 Supplement, Section 161.321, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1643: A bill for an act relating to agriculture; corn detasseling employees; providing minimum labor standards; amending Minnesota Statutes 1976, Chapter 181, by adding sections.

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 14, as follows:

Those who voted in the affirmative were:

Anderson	Davies	Lessard	Olson	Stumpf
Ashbach	Dieterich	Lewis	Pillsbury	Ueland, A.
Bang	Gearty	Luther	Setzepfandt	Ulland, J.
Benedict	Hanson	Menning	Sieloff	Vega
Borden	Hughes	Merriam	Sikorski	Wegener
Brataas	Johnson	Moe	Solon	Willet
Chenoweth	Keefe, J.	Nelson	Spear	
Chmielewski	Keefe, S.	Nichols	Staples	
Coleman	Knoll	Olhoft	Stokowski	

Those who voted in the negative were:

Bernhagen	Gunderson	Laufenburger	Peterson	Sillers
Dunn	Jensen	Ogdahl	Renneke	Strand
Engler	Knutson	Penny	Schrom	

So the bill passed and its title was agreed to.

S. F. No. 1787: A bill for an act relating to the national guard; amending the state military code; providing penalties; amending Minnesota Statutes 1976, Sections 192.06; 192.11; 192.12; 192.261, Subdivision 5; 192.32; 192.33; 192.34; and Chapter 192, by add-



ing a section; repealing Minnesota Statutes 1976, Sections 190.28; 192.09; and 192.10.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1842: A bill for an act relating to the Minnesota historical society; providing for a liaison position; implementing the administration of a state humanities program; updating statutory provisions; amending Minnesota Statutes 1976, Sections 138.081, Subdivision 2, and by adding a subdivision; 138.17, Subdivision 1; 138.35, Subdivision 1; repealing Minnesota Statutes 1976, Section 138.162.

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 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### THIRD READING OF HOUSE BILLS

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Knutson voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1095: A bill for an act relating to public health; requiring medical malpractice information from insurers; granting subpoena power to the board of medical examiners; amending Minnesota Statutes 1976, Section 147.072.

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 55 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Kirchner	Nichols	Solon
Ashbach	Dunn	Knaak	Ogdahl	Spear
Bang	Engler	Knoll	Olhoft	Staples
Benedict	Gearity	Laufenburger	Olson	Stokowski
Bernhagen	Gunderson	Lessard	Penny	Strand
Borden	Hanson	Lewis	Pillsbury	Stumpf
Brataas	Hughes	Luther	Renneke	Ueland, A.
Chenoweth	Jensen	Menning	Setzepfandt	Ulland, J.
Chmielewski	Johnson	Merriam	Sieloff	Vega
Coleman	Keefe, J.	Moe	Sikorski	Wegener
Davies	Keefe, S.	Nelson	Sillers	Willet

Messrs. Knutson and Peterson voted in the negative.

So the bill passed and its title was agreed to.

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.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1860: A bill for an act relating to public employees retirement association; providing for adjusted accrual dates for payment of annuities, survivor benefits and disability benefits, and clarifying membership requirements for elected officials; amending Minnesota Statutes 1976, Sections 353.29, Subdivision 7; 353.32, Subdivision 1a; 353.33, Subdivision 2; 353.657, Subdivision 2a; and Minnesota Statutes, 1977 Supplement, Sections 353.01, Subdivision 2b; 353.29, Subdivision 8; and 353.31, Subdivision 8.

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 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Thursday, March 2, 1978. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate