

EIGHTY-SIXTH DAY

St. Paul, Minnesota, Wednesday, March 8, 1978

The Senate met at 11:15 o'clock a.m. and was called to order by the President.

Prayer was offered by the Chaplain, Monsignor Ambrose V. Hayden.

CALL OF THE SENATE

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

Anderson	Dunn	Lewis	Olson	Sikorski
Ashbach	Gearty	Luther	Penny	Staples
Bang	Gunderson	McCutcheon	Peterson	Stokowski
Benedict	Hughes	Menning	Pillsbury	Strand
Bernhagen	Jensen	Merriam	Purfeerst	Stumpf
Chenoweth	Johnson	Moe	Schaaf	Wegener
Coleman	Keefe, S.	Nelson	Schmitz	Willett
Davies	Laufenburger	Nichols	Schrom	
Dieterich	Lessard	Olhoff	Sieloff	

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

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

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

Mrs. Brataas, Messrs. Hanson, Perpich, Renneke and Sillers were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 8, 1978

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

The following appointment to the Board of the Arts is hereby respectfully submitted to the Senate for confirmation as required by law:

Mary Leach, 424 Prospect, Owatonna, Steele County, has been appointed by me, effective November 18, 1977, for a term expiring the first Monday in January, 1980.

Sincerely,
Rudy Perpich, Governor

Referred to the Committee on General Legislation and Veterans Affairs.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Nichols introduced—

S. F. No. 2394: A bill for an act relating to commerce; authorizing the commission of the department of commerce to revoke a bank charter or recommend revocation of a federal bank charter under certain conditions; amending Minnesota Statutes 1976, Chapter 45, by adding a section.

Referred to the Committee on Commerce.

Messrs. Setzepfandt and Stokowski introduced—

S. F. No. 2395: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 4; providing four year terms for state representatives.

Referred to the Committee on Judiciary.

Mr. Dieterich introduced—

S. F. No. 2396: A bill for an act relating to housing; requiring certain disclosures of noise conditions affecting residential real estate; providing certain remedies; prescribing penalties.

Referred to the Committee on Commerce.

Messrs. Setzepfandt, Wegener, Johnson, Peterson and Olson introduced—

S. F. No. 2397: A bill for an act relating to taxation; income

tax; providing a credit for certain members of the national guard; amending Minnesota Statutes 1976, Section 290.06, by adding a subdivision.

Referred to the Committee on Taxes and Tax Laws.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith transmitted:

S. F. Nos. 1713 and 1959.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 7, 1978

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted:

H. F. Nos. 1403, 1760, 1770, 1865, 1900, 2025, 2096, 2155, 2163, 2219, 2224, 2228, 2278, 2279, 2282, 1910, 2048, 2176, 933, 2330, 2332, 2401, 2419, 1851, 1991, 2204, 2214, 2216, 1734, 2014, 2220 and 2348.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 7, 1978

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

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

There has been appointed as such committee on the part of the House:

Arlandson, Sherwood and Sieben, M.

Senate File No. 804 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 7, 1978

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1191.

H. F. No. 1191: A bill for an act relating to taxation; creating special districts to be called tax increment financing districts; providing for tax increment financing of renewal and development projects; amending Minnesota Statutes 1976, Chapter 273, by adding sections; Sections 458.192, Subdivision 11; 462.585, Subdivision 1; 472A.06; 473F.02, Subdivision 3; 474.10, Subdivision 2; and repealing Minnesota Statutes 1976, Sections 458.192, Subdivision 12; 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.07; and 472A.08.

And the House respectively requests that a Conference Committee of five members be appointed thereon:

Kelly, W.; Pehler; Berg; Corbid and Savelkoul have been appointed as such committee on the part of the House.

House File No. 1191 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 7, 1978

Mr. McCutcheon, for Mr. Hanson, moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1191, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1857.

H. F. No. 1857: A bill for an act relating to veterans; requiring counties to appoint a veterans service officer; amending Minnesota Statutes 1976, Section 197.60, Subdivision 1.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Suss, Beauchamp and Biersdorf have been appointed as such committee on the part of the House.

House File No. 1857 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 7, 1978

Mr. Schmitz moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1857, and that a Conference Committee of 3 members be appointed by the Sub-

committee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

FIRST READING OF HOUSE BILLS

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

H. F. No. 1403: A bill for an act relating to retirement; providing for service pensions of the Spring Lake Park firefighter's relief association.

Referred to the Committee on Governmental Operations.

H. F. No. 1760: A bill for an act relating to the city of Crystal; benefits payable by the firefighter's relief association; amending Laws 1969, Chapter 1088, Sections 2, 4, 5, and 6.

Referred to the Committee on Governmental Operations.

H. F. No. 1770: A bill for an act relating to retirement; definition of teacher; exemptions; amending Minnesota Statutes, 1977 Supplement, Section 354.05, Subdivision 2.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1590 now in the Subcommittee on Bill Scheduling.

H. F. No. 1865: A bill for an act relating to retirement; fractional years of service for judges; amending Minnesota Statutes 1976, Sections 490.121, Subdivision 4, and by adding a subdivision; and 490.124, Subdivisions 1 and 12.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1726.

H. F. No. 1900: A bill for an act relating to the city of Mound; firefighters' service pensions; amending Laws 1973, Chapter 175, Section 1, as amended.

Referred to the Committee on Governmental Operations.

H. F. No. 2025: A bill for an act relating to the city of Chisholm; police and firemen's relief associations; reversion of funds and bond of treasurer.

Referred to the Committee on Governmental Operations.

H. F. No. 2096: A bill for an act relating to state lands; authorizing conveyance of a certain parcel of land in Beltrami county.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1968 now on General Orders.

H. F. No. 2155: A bill for an act relating to retirement; validating certain administrative expenses from the special fund of the Austin firefighter's relief association.

Referred to the Committee on Governmental Operations.

H. F. No. 2163: A bill for an act relating to retirement; adjustment of benefits of disabilitants and survivors under public pension funds; amending Minnesota Statutes 1976, Chapter 356, by adding a section.

Referred to the Committee on Governmental Operations.

H. F. No. 2219: A bill for an act relating to the city of Eagan; volunteer firefighter's service pensions; amending Laws 1975, Chapter 43, Section 1.

Referred to the Committee on Governmental Operations.

H. F. No. 2224: A bill for an act relating to the city of Nashwauk; police relief pensions and widows benefits; officers of association; amending Laws 1943, Chapter 196, Sections 4, as amended; and 8.

Referred to the Committee on Governmental Operations.

H. F. No. 2228: A bill for an act relating to retirement; authorizing an annuity for the surviving spouse of a certain deceased former member of the public employees retirement association.

Referred to the Committee on Governmental Operations.

H. F. No. 2278: A bill for an act relating to the city of Brooklyn Center; firefighter's relief association; amending Laws 1967, Chapter 815, Sections 1; 2; 3; 4; 5; 7; and 8, Subdivision 1.

Referred to the Committee on Governmental Operations.

H. F. No. 2279: A bill for an act relating to the city of Brooklyn Center; police membership in public employees police and fire fund; repealing Laws 1967, Chapter 736.

Referred to the Committee on Governmental Operations.

H. F. No. 2282: A bill for an act relating to the city of Plymouth; firefighter's relief association benefits.

Referred to the Committee on Governmental Operations.

H. F. No. 1910: A bill for an act relating to Itasca county; authorizing the exchange of certain riparian tax forfeited land for certain privately owned non-riparian land.

Referred to the Committee on Agriculture and Natural Resources.

H. F. No. 2048: A bill for an act relating to municipalities; purpose and name of range association of municipalities and schools; amending Minnesota Statutes 1976, Section 471.58.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 2037 now on General Orders.

H. F. No. 2176: 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.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 2023 now on General Orders.

H. F. No. 933: A bill for an act relating to Ramsey county; amending the Ramsey county code by rearranging certain provisions therein relating to welfare and by deleting obsolete provisions therein relating to welfare; amending Laws 1974, Chapter 435, Sections 1.0204 and 3.13.

Referred to the Committee on Local Government.

H. F. No. 2330: A bill for an act relating to retirement; consolidation of the police relief association of the city of Thief River Falls into the public employees police and fire fund.

Referred to the Committee on Governmental Operations.

H. F. No. 2332: A bill for an act relating to retirement; local police, salaried firefighters and volunteer firefighters relief associations; specifying allowable administrative expenses; amending Minnesota Statutes 1976, Sections 69.40; 423.32; 423.38; 423.51; 423.808; 424.16; and 424.31; and Laws 1974, Chapter 382, Section 4, Subdivision 3.

Referred to the Committee on Governmental Operations.

H. F. No. 2401: A bill for an act relating to the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; amending Minnesota Statutes 1976, Section 1.33.

Referred to the Committee on Governmental Operations.

H. F. No. 2419: A bill for an act relating to courts; supreme court; providing for publishing of reports of decisions; amending Minnesota Statutes 1976, Section 480.12.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1952 now on General Orders.

H. F. No. 1851: A bill for an act relating to county libraries; authorizing increased membership on county library boards; amending Minnesota Statutes 1976, Section 375.33, Subdivision 4.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 1957 now on General Orders.

H. F. No. 1991: A bill for an act relating to education; transportation; permitting school buses to transport senior citizens; amending Minnesota Statutes 1976, Section 123.39, by adding a subdivision.

Referred to the Committee on Education.

H. F. No. 2204: A bill for an act relating to education; school districts; separate election districts; changing the requirements for petitions for division into and changing boundaries of special election districts; amending Minnesota Statutes 1976, Section 123.32, Subdivisions 10 and 15.

Referred to the Committee on Elections.

H. F. No. 2214: A bill for an act relating to mutual insurance companies; providing for their conversion into stock companies; protecting the rights of guaranty fund certificate holders; amending Minnesota Statutes 1976, Section 66A.16, by adding a subdivision.

Referred to the Committee on Commerce.

H. F. No. 2216: A bill for an act relating to insurance companies; providing for the reporting of certain claims and other information to the commissioner of insurance; amending Minnesota Statutes 1976, Chapter 72A, by adding a section.

Referred to the Committee on Commerce.

H. F. No. 1734: A bill for an act relating to courts; permitting referees and judicial officers in certain courts; restricting appointment of referees and judicial officers; requiring the supreme court to submit recommendations; repealing Minnesota Statutes, 1977 Supplement, Sections 484.70 and 487.08.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1874.

H. F. No. 2014: A bill for an act relating to state parks; authorizing the lease of a portion of Fort Snelling state park; waiving park admission fees and authorizing a liquor license on the leased property.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 2015 now on General Orders.

H. F. No. 2220: A bill for an act relating to state employees; authorizing persons receiving annuity benefits from the Minnesota state retirement system to participate in the state group health insurance program; amending Minnesota Statutes 1976, Section 43.491 by adding a subdivision.

Referred to the Committee on Governmental Operations.

H. F. No. 2348: A bill for an act relating to highways; allow-

ing private landowners to install drainage tiles in highway right-of-way; amending Minnesota Statutes 1976, Section 160.20, by adding a subdivision.

Referred to the Committee on Transportation.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of the report on H. F. No. 2067 and reports pertaining to appointments. The motion prevailed.

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

S. F. No. 2275: A bill for an act relating to examining and licensing boards; abolishing the board of abstracters; altering the membership, regulatory powers, practices and supervision of certain boards; limiting criteria for issuing licenses; providing for a review of certain functions of the boards; amending Minnesota Statutes 1976, Sections 125.05, Subdivision 1; 147.02, Subdivision 1; 147.021, Subdivision 1; 148.211, Subdivision 1; 148.57, Subdivisions 1 and 3; 148.91, Subdivision 4; 148.93; 150A.06, Subdivisions 1, 2, 2a, and 4; 151.10; 153.04; 153.15; 154.05; 154.06; 154.11; 154.12; 154.22; 155.04; 155.05; 155.09, Subdivision 1; 156.02, Subdivision 1; 156.071; 156.072, Subdivision 2; 156.081, Subdivision 2; 214.04, as amended; 214.06, as amended; 214.09, Subdivision 2; 326.02, Subdivision 1; 326.10, Subdivision 1; 326.19, Subdivision 2; 326.332, Subdivision 1; 326.54; 326.546; and Chapters 214, by adding a section; 270, by adding a section; and 386, by adding a section; amending Minnesota Statutes, 1977 Supplement, Sections 148.10, Subdivision 1; and 214.01, Subdivision 3; repealing Minnesota Statutes 1976, Chapter 186; and Sections 147.11; 150A.11, Subdivisions 2, 3, and 4; 151.28; 270.41; 270.42; 270.43; 341.09; 386.61, Subdivision 3; and 386.63.

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

Page 10, after line 4, insert:

"Sec. 6. Minnesota Statutes 1976, Section 148.291, Subdivision 1, is amended to read:

148.291 [EXAMINATION; LICENSING.] Subdivision 1. [QUALIFICATIONS.] An applicant for a license to practice nursing as a licensed practical nurse shall apply to the board for examination on forms provided by the board and pay a fee in an amount determined by rule. An applicant applying for re-examination shall pay a fee in an amount determined by rule. In no case shall fees be refunded.

Before being scheduled for examination the applicant shall provide written evidence, verified by oath that he (a) is of good moral character, (b) is in good mental health, (c) (b) meets secondary education requirements as determined by the board and any other preliminary qualification requirements the board

may prescribe by rule, and (d) (c) either has completed an approved course for the training of licensed practical nurses or is enrolled in the final term of study in such program.

Refusal to supply information necessary to determine the qualifications of an applicant may result in denial of the application.

Upon submission by the applicant of an affidavit of graduation from an approved nursing program as well as proof that the applicant has passed the examination, paid the required fees and met all other requirements stated in this subdivision, the board shall issue a license to such applicant."

Page 28, line 3, strike "and" and insert a comma

Page 28, line 3, after "surveying" insert "*and landscape architecture*"

Page 29, line 24, after "in" insert "*investigation and in*"

Page 29, line 25, strike "*hearings*" and insert "*matters*"

Page 29, line 25, strike "*before the boards*"

Page 30, lines 19 to 23, strike the new language

Page 32, line 7, after "*renewals*" insert "*, providing, that the three-year limitation shall not apply to the board of teaching*"

Page 32, line 8, strike "*or civil*"

Page 32, line 9, after "*against*" insert "*, or civil actions filed against,*"

Page 33, line 12, strike "*No*" and insert "*A*"

Page 33, line 12, after the comma insert "*splitting of fees, referral fees, compensation,*"

Page 33, lines 13 and 14, strike "*which are not*" and insert "*, but only if (1) the board had specific statutory authority to adopt the rules on the effective date of the rules, (2) the rules are not inconsistent with other law and (3) the rules are immediately and*"

Page 33, after line 15, insert:

"Sec. 35. Minnesota Statutes 1976, Chapter 214, is amended by adding a section to read:

[214.16] [STANDARDS FOR LICENSURE AND RENEWAL.] A board may adopt rules pursuant to which it may deny licensure or renewal, or may suspend or revoke a license, if a person has been convicted of a crime which the board has determined directly impugns the ability of the person competently to perform the occupation. A board may also adopt rules which are consistent with constitutional due process requirements and which permit the board to deny licensure or renewal, or to suspend or revoke a license, if the applicant or licensee fails to meet job-related standards of moral conduct and integrity."

Pages 33 and 34, strike section 35

Page 41, line 3, after the comma insert *"shall determine whether these functions are compatible with the licensing of persons, shall consult with persons knowledgeable in these fields, and"*

Page 41, line 12, after the period insert *"The report shall include written comments submitted by the affected boards."*

Page 41, after line 16, insert:

"Sec. 45. [EFFECTIVE DATE.] Sections 22, 23 and 24 relating to the structure of the boards of barber examiners and cosmetology; sections 32, 33, 34 and 35 relating to all licensing boards; and section 43 relating to the study by the commissioners; are effective the day after final enactment. The remainder of this act is effective July 1, 1979."

Page 41, line 14, strike *"Subdivisions 2, 3, and 4"* and insert *"Subdivision 2"*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after *"abstracters"* insert *"and the board of assessors and transferring their respective powers and duties"*

Page 1, line 6, after the semicolon insert *"providing for registration rather than licensure of watchmakers;"*

Page 1, line 10, before *"148.57"* insert *"148.291, Subdivision 1;"*

Page 1, line 21, strike *"a section"* and insert *"sections"*

Page 1, lines 26 and 27, strike *"Subdivisions 2, 3, and 4"* and insert *"Subdivision 2"*

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

Mr. Anderson from the Committee on Energy and Housing, to which was referred

S. F. No. 1924: A bill for an act relating to the state fire marshal; concerning the uniform fire code; providing for fee, fines and penalties; appropriating money; amending Minnesota Statutes 1976, Sections 299F.011; 299F.41, Subdivision 4; 299F.42; 299F.43, Subdivision 1; 299F.44; 299F.46; 299H.23; 299H.25; 299H.26; 299H.27; 299H.28; 299I.22; 299I.24; and Chapters 299F; 299H; and 299I, by adding sections; and Minnesota Statutes, 1977 Supplement, Section 299F.362, Subdivision 6; repealing Minnesota Statutes 1976, Sections 299F.33; 299F.39; 299G.01 to 299G.08; 299H.03 to 299H.21; 299I.01, Subdivisions 6, 7, 8 and 9; 299I.09; and 299I.11 to 299I.19.

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

Page 2, strike line 8 and line 9 before *"as"*

Page 2, line 18, strike “; provided that” and insert “. However,”

Page 2, line 30, strike “substantial damage” and insert “undue hardship”

Page 3, after line 4, insert:

“Sec. 2. Minnesota Statutes 1976, Section 299F.04, Subdivision 2, is amended to read:

Subd. 2. The investigation shall be begun within two days of the occurrence of the fire and the state fire marshal shall have the right to ~~supervise and direct~~ *coordinate* the investigation when he deems it ~~expedient or necessary~~.

Sec. 3. Minnesota Statutes 1976, Section 299F.04, is amended by adding a subdivision to read:

Subd. 4. The state fire marshal may conduct further investigation necessary to establish reasonable grounds to believe that a violation of Minnesota Statutes 1976, Sections 609.561 to 609.576, has occurred.

Sec. 4. Minnesota Statutes 1976, Section 299F.05, is amended to read:

299F.05 [EVIDENCE, TAKING OF.] Subdivision 1. [INVESTIGATIONS.] The state fire marshal shall, when in his opinion further investigation is necessary, *When the state fire marshal has determined that reasonable grounds exist to believe that a violation of sections 609.561 to 609.576 has occurred, or has reasonable grounds to believe that some other crime has occurred in connection with a fire investigated pursuant to section 299F.04, he shall so inform the superintendent of the bureau of criminal apprehension. The superintendent shall cooperate with the fire marshal and local officials in further investigating the reported incident in a manner which may include supervising and directing the subsequent criminal investigation, take or cause to be taken and taking the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation relating to the matter as to which an examination is herein required to be made and shall cause the same to be reduced to writing; and, under investigation. If he the superintendent shall be of the opinion believes that there is evidence sufficient to charge any person with the crime of arson, a violation of sections 609.561 to 609.576, or of any other crime in connection with an investigated fire, he shall arrest or cause such the person to be arrested and charged with the offense and furnish to the proper prosecuting attorney all this relevant evidence, together with the copy of all names of witnesses and all the information obtained by him or the state fire marshal, including a copy of all pertinent and material testimony taken in the case; . and keep a record of the proceedings and progress made in all these prosecutions for arson and the result of all cases finally disposed of.*

Subd. 2. [INFORMATION SYSTEMS.] The state fire marshal and the superintendent of the bureau of criminal apprehension

shall maintain a record of arrests, charges filed, and final disposition of all fires reported and investigated under sections 299F.04 and 299F.05. For this purpose a single reporting system shall be implemented by the department of public safety utilizing the systems operated by the fire marshal and the bureau. The system shall be operated in such a way as to minimize duplication and discrepancies in reported figures.

Sec. 5. Minnesota Statutes 1976, Chapter 299F, is amended by adding a section to read:

[299F.051] [TRAINING LOCAL FIREFIGHTERS AND PEACE OFFICERS.] *Subdivision 1. [CONTENT.] The superintendent of the bureau of criminal apprehension, after consultation with the state fire marshal, the Minnesota peace officers standards and training board and the state advisory council on fire service education and research, shall establish the content of training programs which shall be available to firefighters and peace officers from political subdivisions. The content shall include fire scene investigation and preservation of evidence, interviewing of witnesses and suspects, constitutional limits on interrogation by sworn and non-sworn officers, and other topics deemed necessary to successful criminal investigation.*

Subd. 2. [TRAINING PROGRAM; LOCATIONS, INSTRUCTORS.] The superintendent of the bureau of criminal apprehension shall provide courses at convenient locations in the state for training firefighters and peace officers in the conduct of investigations following the occurrence of a fire. For this purpose, the superintendent may use the services and employees of the bureau, the state fire marshal, and the attorney general. In addition, after consultation with the state fire marshal, the superintendent is authorized to engage part time instructors necessary and proper to furnish the best possible instruction, subject to the limitation of funds appropriated and available for expenditure. Sections 43.09 to 43.17 shall not apply to the part time instructors.

Subd. 3. [IN-SERVICE TRAINING.] The state fire marshal and the superintendent of the bureau of criminal apprehension, in cooperation with the Minnesota board of peace officer standards and training, shall encourage the establishment of in-service and refresher training for firefighters and peace officers through schools administered by the state, county, school district, municipality, or joint or contractual combinations thereof. The Minnesota board of peace officer standards and training shall report to the governor and legislature on the progress made in this effort as provided in section 626.843.

Subd. 4. [COOPERATIVE INVESTIGATION; REIMBURSEMENT.] The state fire marshal and the superintendent of the bureau of criminal apprehension shall encourage the cooperation of local firefighters and peace officers in the investigation of violations of sections 609.561 to 609.576 or other crimes associated with reported fires in all appropriate ways, including the reimbursement of political subdivisions at a rate not to exceed 50 percent of the

salaries of peace officers and firefighters for time spent in attending fire investigation training courses offered by the bureau. Volunteer firefighters from a political subdivision shall be reimbursed for expenses incurred in attending fire investigation training courses offered by the bureau. Reimbursement shall be made only in the event that both a peace officer and a firefighter from the same political subdivision attend the same training course. The reimbursements shall be subject to the limitation of funds appropriated and available for expenditure.

Sec. 6. Minnesota Statutes 1976, Section 299F.06, Subdivision 1, is amended to read:

299F.06 [TESTIMONIAL POWERS.] Subdivision 1. [ATTENDANCE OF WITNESSES.] *In order to establish if reasonable grounds exist to believe that a violation of Minnesota Statutes, Sections 609.561 to 609.576, has occurred, or to determine compliance with the uniform fire code or corrective orders issued thereunder, the state fire marshal, chief assistant fire marshal, and deputy state fire marshals, shall each have the power in any county of the state to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this chapter a subject of inquiry and investigation and may require the production of any book, paper, or document deemed pertinent thereto by them, or either of them. The summons shall be served in the same manner and have the same effect as subpoenas from district courts. All witnesses shall receive the same compensation as is paid to witnesses in district courts, which shall be paid out of the fire marshal fund upon vouchers signed by the state fire marshal, chief assistant fire marshal, or deputy fire marshal before whom any witnesses shall have attended and this officer shall, at the close of the investigation wherein the witness was subpoenaed, certify to the attendance and mileage of the witness, which certificate shall be filed in the office of the state fire marshal. All investigations held by or under the direction of the state fire marshal, or any subordinate, may in his discretion be private and persons other than those required to be present by the provisions of this chapter may be excluded from the place where the investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined."*

Page 6, line 4, strike "*and lodging house*"

Page 6, line 9, strike "*or lodging house*"

Page 6, line 23, strike "*words*" and reinstate "*word*"

Page 6, line 23, strike "*and 'lodging house'*"

Page 6, line 30, strike "*meanings given them*" and insert "*meaning given*"

Page 8, strike lines 6 to 11 and insert:

"Subd. 2. Places of assembly include all buildings or portions of buildings used for gathering together 50 or more persons in com-

mercial places of assembly and 100 or more persons in noncommercial places of assembly. Places of assembly shall include those facilities used for such purposes as deliberation, worship, entertainment, amusement, or awaiting transportation.

Occupancy of any room or space for assembly purposes by less than 100 persons in a building or other occupancy and incidental to such other occupancy shall be classed as part of the other occupancy and subject to the provisions applicable thereto."

Page 11, line 17, before "There" insert "Subdivision 1."

Page 11, line 19, strike "\$220,400" and insert "\$"

Page 11, line 20, before the period insert "relating to the conduct of inspections"

Page 11, line 21, strike "ten" and insert ""

Page 11, after line 23, insert:

"Subd. 2. [BUREAU OF CRIMINAL APPREHENSION.] There is appropriated to the department of public safety, bureau of criminal apprehension, the sum of \$ for fiscal year 1979 to implement and administer the provisions of this act relating to the conduct of criminal investigations and the provision of training. The commissioner of public safety is hereby directed to hire not less than persons which will be added to the department's present complement.

Subd. 3. [REIMBURSEMENT FOR TRAINING.] There is appropriated to the department of public safety the sum of \$ for fiscal year 1979 to reimburse political subdivisions pursuant to section 5."

Page 11, line 24, delete the underscoring from "Sec. 19."

Page 11, after line 31, insert:

"Sec. 25. This act is effective on the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Line 5, after "299F.011," insert "299F.04, Subdivision 2, and by adding a subdivision; 299F.05; and 299F.06, Subdivision 1;"

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. 1600: A bill for an act relating to data processing by public bodies; its regulation and control; establishing the Minnesota public data processing board; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1976, Sections 16.94 and 16.95; repealing Minnesota Statutes 1976, Sec-

tions 16.90, Subdivisions 1, 2 and 4; 16.91; and 16.911, 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. [16C.01] [STATEMENT OF LEGISLATIVE INTENT.] *The legislature finds that in order for the state of Minnesota to receive the maximum use and benefit from data processing devices and systems:*

(a) There should be a continued centralization of policy control over data processing related plans, projects and acquisitions of state departments and agencies;

(b) There should be full cooperation and cohesive and responsive planning and effort by and between the several state departments and agencies, including those involved in education and criminal justice;

(c) There should be an evaluation of proposed state agency data processing projects, leases, or purchases independent of that conducted by agencies providing data processing services to contribute to a fair and beneficial decision process;

(d) All operating agencies should be required to hire staff within legislative complement limits to insure more ordered and defined personnel practices with adequate legislative scrutiny; and

(e) There should be full cooperation and a willingness to share data processing information and expertise between the several state agencies and local government units.

The legislature determines that a central data processing council should be established to assist in the planning for, and acquisition and use of, systems and data processing devices by all state agencies, and to monitor and facilitate the development of data processing systems in local governmental units, in order to promote the efficient, coordinated utilization of data processing resources.

Sec. 2. [16C.02] [DEFINITIONS.] *Subdivision 1. For the purposes of sections 1 to 7, the terms defined in this section have the meanings given them.*

Subd. 2. "Council" means the advisory council for information systems created by section 3.

Subd. 3. "Data processing device" means any equipment or computer programming, including but not limited to computer hardware, firmware, software and communication protocol, utilized in connection with the processing of information via electronic data processing means and includes data communication devices used in connection with computer facilities for the transmission of data.

Subd. 4. "Joint powers organization" means any organization composed of local governmental units or local governmental units

and state agencies empowered to acquire or plan for the acquisition of data processing devices.

Subd. 5. "Local governmental unit" means any municipal or quasi-municipal corporation, public school, school district, county or other political subdivision and all branches, organizations, agencies or combinations of these entities authorized to enter into contracts.

Subd. 6. "State agency" means any office, department, authority, agency, institution, commission, board or educational body of state government including the university of Minnesota, and any branch, organization, agency or combination thereof.

Subd. 7. "System" means an automated, organized collection of procedures, data processing devices and methods designed to collect, store, retrieve or transfer data.

Sec. 3. [16C.03] [ADVISORY COUNCIL FOR INFORMATION SYSTEMS.] Subdivision 1. [CREATION.] The advisory council for information systems is hereby created as an advisory council responsible and reporting to the governor.

Subd. 2. [COMPOSITION OF COUNCIL.] The council shall be composed of the following 15 voting members: (a) three heads of state agencies extensively using data processing devices; (b) seven persons from local governmental units, joint power organizations, educational institutions, and the private sector who are knowledgeable in the use and application of data processing devices and systems, and members of the general public; (c) two members of the house of representatives; (d) two members of the senate; and (e) one representative of the judicial branch of Minnesota government.

Subd. 3. [SELECTIONS AND TERMS.] Members appointed under subdivision 2, clauses (a) and (b) shall be appointed by the governor. The members of the house shall be appointed by the speaker, and the members of the senate by the senate subcommittee on committees. The judicial representative shall be appointed by the chief justice of the Minnesota supreme court. The compensation, membership terms, removal and filling of vacancies for non-legislator members shall be as provided in section 15.059. All initial appointments shall be made not later than July 1, 1978 and, in respect to members appointed pursuant to subdivision 2, clauses (a) and (b) shall be for terms consistent with the system of staggered terms stated in section 15.059.

Sec. 4. [16C.04] [DUTIES AND POWERS.] Subdivision 1. The council shall:

(a) Study existing state agency data processing devices and systems and future data processing needs and develop plans, including a master plan, regarding the effective use of existing resources and the need for future acquisition;

(b) Promote and recommend the establishment of intergovernmental agreements whereby state agencies, joint powers organi-

zations or local governmental units may benefit from the sharing of data processing resources;

(c) Develop data processing device specifications and procurement techniques, and recommend their use by state agencies;

(d) Review and within 60 calendar days advise on the data processing and systems-related budgets or plans of all state agencies if the budgets or plans envision expenditures in excess of \$10,000 per year;

(e) Review and within 60 calendar days advise on any proposed grant applications in excess of \$5,000 of all state agencies which relate to data processing devices or systems;

(f) Review and within 60 calendar days advise on any proposed data processing device acquisitions of state agencies which acquisitions are estimated to involve expenditures in excess of \$5,000;

(g) Determine, in its review of the budgets, plans and proposed acquisitions of a state agency whether data processing devices are needed and, if so, whether the state agency has selected the appropriate means, methods and technology to obtain necessary data processing services;

(h) Provide assistance to all local governmental units and joint powers organizations which seek assistance relating to the organization and operation of data processing systems including, but not limited to, providing information on the availability and capabilities of alternative data processing devices and assistance in the development of data processing device specifications;

(i) Annually collect and report information regarding the data processing activities of all local governmental units and joint powers organizations, including an inventory and computer hardware and comprehensive listings of data processing applications, providers of data processing services, and surplus data processing resources; and

(j) Establish committees to assist the council in performing its duties pursuant to this subdivision, which committees shall include representatives from state agencies using data processing devices; and

(k) Appoint an executive director to administer council activities by September 1, 1978.

Subd. 2. To accomplish the purposes of sections 1 to 9 the council may:

(a) Elect officers, establish procedures for meetings and establish committees as it deems appropriate;

(b) Subject to the provisions of Minnesota Statutes, Chapter 43, employ and delegate its powers to professional, technical, and clerical staff as it deems necessary, provided that the council may establish an executive director and two other management positions in the unclassified services;

(c) Enter into contracts for office supplies and services, consultant services and any other goods or commodities necessary for the undertaking of its duties;

(d) Enter into contracts with the federal government, state agencies or local governmental units for the provision of any advisory, technical or other services;

(e) Apply for, receive and expend grant moneys, provided that the board also files with the chairpersons of the house appropriations and senate finance committees a notice of intent to apply for grant moneys. The notice of intent shall contain an analysis of the immediate and future impact of related grant requirements, limitations and rules on state budgetary and fiscal matters and on state laws and rules;

(f) Receive and accept money, property or services from any person, agency or other source for any purpose within the scope of its authority. All money so received is annually appropriated for those purposes in the manner and subject to laws applicable to the appropriation of state funds;

(g) Undertake research and development projects;

(h) Delegate its powers to state agencies, joint powers organizations, local governmental units or the intergovernmental information systems advisory council which are hereby empowered to accept such delegations;

(i) Assign its interest in any contract to state agencies, joint powers organizations or local governmental units which are hereby empowered to accept such assignments;

(j) Request state agencies, joint powers organizations and local governmental units and their officials to appear before the council or produce any records or materials relating to data processing devices or systems for council review; and

(k) Receive and expend legislative appropriations.

Sec. 5. [16C.05] [MEETINGS; REPORTS TO LEGISLATURE.] The council shall meet at least once every three months. On or before January 1 of each year and commencing January 1, 1979, the council shall submit a detailed, written report to the governor and the legislature setting forth its activities during the previous year and advising of its plans and projects for the ensuing year. Every five years, and commencing not later than January 1, 1980, the council shall submit to the governor and the legislature a long range plan setting forth its proposed plans and projects for the succeeding five years.

Sec. 6. [16C.06] [STATE AGENCIES; ADHERENCE TO REVIEW PROCEDURE.] Notwithstanding any law to the contrary, no state agency or the Minnesota educational computing consortium shall apply for grants of any nature for data processing-related projects, proceed with data processing-related plans or acquisitions or the expenditure of computer services budgets without first seeking and receiving the advice of the council when

so required pursuant to and under the conditions of section 4. If, pursuant to his authority, the commissioner of administration seeks to substantially modify or reject the data processing activities or proposals of a state agency, such modification or rejection if disputed by the state agency shall not be effective until after representatives of the commissioner and the affected state agency have sought and received council advice.

Sec. 7. [16C.07] [APPLICATION TO UNIVERSITY OF MINNESOTA.] The board of regents of the university of Minnesota shall comply with the provisions of sections 1 to 6, to the fullest extent possible, consistent with the exercise of the powers conferred upon them by the constitution of this state.

Sec. 8. [16C.08] [INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL.] Subdivision 1. The governor shall appoint an intergovernmental information systems advisory council, to serve at his pleasure, consisting of 25 members. The intergovernmental information systems advisory council shall be composed of two members from each of the following groups: Counties outside of the seven county metropolitan area, counties within the metropolitan area, cities of the first class, municipalities of the second and third class outside the metropolitan area and municipalities of the second and third class within the metropolitan area; one member from each of the following groups: the metropolitan council, a regional development commission outside of the metropolitan area, Minnesota higher education coordinating board, school districts located in cities of the first class, school districts in the metropolitan area not located in cities of the first class, and school districts outside the metropolitan area; one employee representing each of the state departments of administration, education and revenue; one employee each from the offices of the state auditor and the legislative auditor; and four members from the state community at large. To the extent permitted by available resources the advisory council for information systems shall furnish staff and other assistance as requested by the intergovernmental information systems advisory council. The intergovernmental information systems advisory council shall expire and the terms, compensation, removal of members and filling of vacancies shall be as provided in section 15.059.

Subd. 2. The intergovernmental information systems advisory council shall assist the Minnesota advisory council for information systems in the development of data standards and program budgeting systems and standards; recommend to the advisory council for information systems policies and procedures governing the collection, security and confidentiality of data; review and comment on all applications for federal or foundation funding for information systems and on all computer systems involving intergovernmental funding; keep local governments abreast of the state of the art in information systems and prepare guidelines for intergovernmental systems.

Subd. 3. The intergovernmental information systems advisory council shall initially be composed of those members serving on

the intergovernmental information systems advisory council pursuant to Minnesota Statutes 1976, Section 16.911, as of the effective date of this act. The initial members shall serve out their terms under the conditions of their appointments pursuant to Minnesota Statutes 1976, Section 16.911.

Subd. 4. [TRANSFER OF EXISTING APPROPRIATIONS.] *The unliquidated appropriations and encumbrances of the department of administration for the intergovernmental coordination activity defined in section 16.911 are transferred and reappropriated to the advisory council for information systems for the purposes of section 8.*

Sec. 9. Minnesota Statutes 1976, Section 3.976, is amended to read:

3.976 [INFORMATION COLLECTED FROM LOCAL GOVERNMENTS.] *The state auditor, or his designated agent, shall collect annually from all city, county, and other local units of government, information as to the assessment of property, collection of taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, borrowing, debts, principal and interest payments on debts, and such other information as may be needful. The data shall be supplied upon blanks in a manner prescribed by the state auditor, and all public officials so called upon shall fill out properly and return promptly all blanks so transmitted shall properly and promptly provide the data in the prescribed manner. The state auditor or his assistants, may examine local records in order to complete or verify the information. Copies of all reports so received shall be forwarded by the state auditor to the legislative auditor. Before establishing reporting requirements for local governmental units pursuant to this section or to any other section, the state auditor shall consult with the advisory council for information systems.*

Sec. 10. Minnesota Statutes, 1977 Supplement, Section 16.80, is amended by adding a subdivision to read:

Subd. 4. *The commissioner of administration shall, prior to expenditure of any computer services revolving fund monies after June 30, 1979, prepare reports and budgets regarding the computer services revolving fund for inclusion in the governor's budget recommendations to the legislature and review by the legislature in the same manner and form as agencies operating on a direct appropriation basis. If the commissioner of administration receives computer services revolving fund receipts in excess of those estimated in the executive/legislative budget process, he shall seek and obtain the approval of the legislative advisory committee prior to any expenditure of the excess receipts.*

Sec. 11. Minnesota Statutes 1976, Section 16.90, Subdivision 4, is amended to read:

Subd. 4. *The commissioner ; after consultation with the state information systems advisory council and the intergovernmental information systems advisory council, shall design and maintain*

a master plan for information systems in the state and its political subdivisions and shall report thereon to the governor and legislature at the beginning of each regular session; establish standards for information systems; maintain a library of systems and programs developed by the state and its political subdivisions for use by agencies of government; and administer the communications for the state information system.

Sec. 12. Minnesota Statutes 1976, Section 16.94, is amended to read:

16.94 [MODIFICATION OF OPERATING AND MANAGEMENT PROCEDURES.] Where improved program effectiveness, better utilization of services, and greater efficiency and economy in state government can be demonstrated, the commissioner with the approval of the governor *and with the advice of the advisory council for information systems* may require a department or agency of the state to adjust its operating and management procedures to take advantage of improved systems, procedures, and methods resulting from systems analysis and information science technology.

Sec. 13. Minnesota Statutes 1976, Section 16.95, is amended to read:

16.95 [FUNCTION OF LEGISLATIVE AUDITOR.] The legislative auditor may conduct performance evaluation of all systems analysis, information services, and computerization efforts of all state agencies, and the university of Minnesota, and upon request of the governing body or request of the *state information systems advisory council* he *advisory council for information systems* shall conduct the same services for political subdivisions of the state and report his findings to the governor and to the legislature. The cost of such evaluations shall be paid by the agencies being evaluated.

Sec. 14. [REPEALER.] *Minnesota Statutes 1976, Sections 16.91 and 16.911, are repealed.*

Sec. 15. [APPROPRIATIONS.] *There is appropriated from the general fund to the advisory council for information systems the sum of \$350,000 to be used for the purposes of this act during the biennium ending June 30, 1979.*

Sec. 16. [EFFECTIVE DATE.] *This act is effective July 1, 1978 and shall expire June 30, 1987."*

Further, delete the title and insert:

"A bill for an act relating to data processing by certain public bodies; its regulation and control; establishing the advisory council for information systems; prescribing its powers and duties; appropriating money; amending Minnesota Statutes 1976, Sections 3.976; 16.90, Subdivision 4; 16.94; and 16.95; Minnesota Statutes, 1977 Supplement, Section 16.80, by adding a subdivision; repealing Minnesota Statutes 1976, Sections 16.91 and 16.911."

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. 1839: A bill for an act relating to municipalities; hospital, nursing home and health care facilities; authorizing municipalities to include refinancing of existing indebtedness in the cost of a project; amending Minnesota Statutes 1976, Section 447.35; 447.45, Subdivision 1; 447.47; and 474.05.

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

Page 5, strike section 4 and insert:

"Sec. 4. Minnesota Statutes 1976, Section 474.01, is amended by adding a subdivision to read:

Subd. 9. The welfare of the state further requires the active promotion, encouragement, and development of adequate health care facilities, to the end that adequate health care services might be made available to all residents of the state at reasonable cost.

Sec. 5. Minnesota Statutes 1976, Section 474.02, is amended by adding a subdivision to read:

Subd. 1c. The term "project" shall also include any properties, real or personal, whether or not now in existence, used or useful in connection with a revenue producing enterprise, whether or not operated for profit, engaged in providing health care services, including, without limitation, hospitals, nursing homes, and related medical facilities.

Sec. 6. Minnesota Statutes 1976, Section 474.03, is amended to read:

474.03 [POWERS.] Any municipality or redevelopment agency, in addition to the powers prescribed elsewhere by the laws of this state, shall have the power to:

(1) Acquire, construct, and hold any lands, buildings, easements, water and air rights, improvements to lands and buildings, and capital equipment to be located permanently or used exclusively on a designated site and solid waste disposal and pollution control equipment, regardless of where located, which are deemed necessary in connection with a project to be situated within the state, whether wholly or partially within or without the municipality or redevelopment agency, and construct, reconstruct, improve, better, and extend such project;

(2) Issue revenue bonds, in anticipation of the collection of revenues of such project, to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension thereof;

(3) Issue revenue bonds to pay all or any part of the outstanding indebtedness of a contracting party engaged primarily in the operation of one or more non-profit hospitals or nursing homes, theretofore incurred in the acquisition or betterment of its existing hospital or nursing home facilities, including, to the extent

deemed necessary by the governing body of the municipality or redevelopment agency, any unpaid interest on such indebtedness accrued or to accrue to the date on which such indebtedness is finally paid; if revenue bonds are issued for this purpose, the refinancing and the existing properties of the contracting party shall be deemed to constitute a project under section 474.02, subdivision 1c;

(3) (4) Enter into a revenue agreement with any person, firm, or public or private corporation or federal or state governmental subdivision or agency in such manner that payments required thereby to be made by the contracting party shall be fixed, and revised from time to time as necessary, so as to produce income and revenue sufficient to provide for the prompt payment of principal of and interest on all bonds issued hereunder when due, and the revenue agreement shall also provide that the contracting party shall be required to pay all expenses of the operation and maintenance of the project including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the project and payable during the term of the revenue agreement, during which term a tax shall be imposed and collected pursuant to the provisions of section 272.01, subdivision 2, for the privilege of using and possessing the project, in the same amount and to the same extent as though the contracting party were the owner of all real and personal property comprising the project;

(4) (5) Pledge and assign to the holders of such bonds or a trustee therefor all or any part of the revenues of one or more projects and define and segregate such revenues or provide for the payment thereof to a trustee, whether or not such trustee is in possession of the project under a mortgage or otherwise;

(5) (6) Mortgage or otherwise encumber such projects in favor of the municipality or redevelopment agency, the holders of such bonds, or a trustee therefor, provided that in creating any such mortgages or encumbrances a municipality or redevelopment agency shall not have the power to obligate itself except with respect to the project;

(6) (7) Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, or in order to secure the payment of its bonds; including, but without limitation, a contract entered into prior to the construction of the project authorizing the contracting party, subject to such terms and conditions as the municipality or redevelopment agency shall find necessary or desirable and proper, to provide for the construction, acquisition, and installation of the buildings, improvements, and equipment to be included in the project by any means available to the contracting party and in the manner determined by the contracting party and without advertisement for bids as may be required for the construction or acquisition of other municipal facilities;

~~(7)~~ (8) Enter into and perform such contracts and agreements with other municipalities, political subdivisions, and state agencies, authorities, and institutions as the respective governing bodies of the same may deem proper and feasible for or concerning the planning, construction, lease, purchase, mortgaging or other acquisition, and the financing of a project, and the maintenance thereof, including an agreement whereby one municipality issues its revenue bonds in behalf of one or more other municipalities, which contracts and agreements may establish a board, commission, or such other body as may be deemed proper for the supervision and general management of the facilities of the project; provided, no municipality or redevelopment agency shall enter into or perform any contract or agreement with any school district under which the municipality or redevelopment agency issues its revenue bonds or otherwise provides for the construction of school facilities and the school leases or otherwise acquires these facilities;

~~(8)~~ (9) Accept from any authorized agency of the federal government loans or grants for the planning, construction, acquisition, leasing, purchase, or other provision of any project, and enter into agreements with such agency respecting such loans or grants;

~~(9)~~ (10) Sell and convey all properties acquired in connection with such projects, including without limitation the sale and conveyance thereof subject to such mortgage as herein provided, and the sale and conveyance thereof under an option granted to the lessee of the project, for such price, and at such time as the governing body of the municipality or redevelopment agency may determine, provided, however, that no sale or conveyance of such properties shall ever be made in such manner as to impair the rights or interests of the holder, or holders, of any bonds issued under the authority of this chapter;

~~(10)~~ (11) Issue revenue bonds to refund, in whole or in part, bonds previously issued by such municipality or redevelopment agency under authority of this chapter;

~~(11)~~ (12) If so provided in the revenue agreement, terminate the agreement and re-enter or repossess the project upon the default of the contracting party, and operate, lease, or sell the project in such manner as may be authorized or required by the provisions of the revenue agreement or of the resolution or indenture securing the bonds issued for the project; any revenue agreement which includes provision for a conveyance of real estate to the contracting party may be terminated in accordance with the revenue agreement, notwithstanding that such revenue agent agreement may constitute an equitable mortgage provided that no municipality or redevelopment agency shall have power otherwise to operate any project referred to in this chapter as a business or in any manner whatsoever, and nothing herein authorizes any municipality or redevelopment agency to expend any funds on any project herein described, other than the revenues of such projects, or the proceeds of revenue bonds and notes issued hereunder, or other funds granted to the municipality or redevelopment agency for the purposes herein contemplated, except as may be otherwise permitted by law

and except to enforce any right or remedy under any revenue agreement or related agreement for the benefit of the bondholders or for the protection of any security given in connection with a revenue agreement, provided that the public cost of redevelopment of land paid by a city or its redevelopment agency shall not be deemed part of the cost of any project situated on such land;

(12) (13) Invest or deposit, or authorize a trustee to invest or deposit, any money on hand in funds or accounts established in connection with a project or payment of bonds issued therefor, to the extent they are not presently needed for the purposes for which such funds or accounts were created, in accordance with section 471.56, as amended; and

(13) (14) Waive or require the furnishing of a contractors payment and performance bond of the kind described in section 574.26 and if such bond shall be required, then the provisions of chapter 514 relating to liens for labor and materials, shall not be applicable in respect of any work done or labor or materials supplied for the project, and if such bond be waived then the said provisions of chapter 514 shall apply in respect of work done or labor or materials supplied for the project.

Sec. 7. Minnesota Statutes 1976, Section 474.06, is amended to read:

474.06 [MANNER OF ISSUANCE OF BONDS; INTEREST RATE.] Bonds authorized under this chapter shall be issued in accordance with the provisions of chapter 475 relating to bonds payable from income of revenue producing conveniences, except that public sale shall not be required, and the bonds may mature at any time or times in such amount or amounts within 30 years from date of issue and may be sold at a price equal to such percentage of the par value thereof, plus accrued interest, and bearing interest at such rate or rates, as may be agreed by the contracting party, the purchaser, and the municipality or redevelopment agency, notwithstanding any limitation of interest rate or cost of the amounts of annual maturities contained in any other law. When bonds authorized under this chapter are issued, they shall state whether they are issued for a project defined in section 474.02, subdivisions 1, 1a, or 1b, or 1c."

Renumber the remaining section

Amend the title as follows:

Line 7, after "447.47;" insert "474.01, by adding a subdivision; 474.02, by adding a subdivision; 474.03;"

Line 7, strike "474.05" and insert "474.06"

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. 1726: A bill for an act relating to retirement; frac-

tional years of service for judges; amending Minnesota Statutes 1976, Sections 490.121, Subdivision 4; and 490.124, Subdivision 1.

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

Page 2, after line 6, insert:

"Sec. 3. Minnesota Statutes 1976, Section 490.124, Subdivision 12, is amended to read:

Subd. 12. [REFUND.] Any person who ceases to be a judge but who does not qualify for a retirement annuity or other benefit under sections 490.121 to 490.132 section 490.121 shall be entitled to a refund of in an amount equal to all his contributions to the judges' retirement fund with plus interest computed on the basis of interest assumption under the provisions of section 356.21. No refund shall be payable upon the death of a judge prior to retirement if no benefits shall be payable under subdivision 9 to the first day of the month in which the refund is processed based on fiscal year balances at the rate of five percent per annum compounded annually. The surviving spouse, or if there is no surviving spouse, then the estate, of any person who has ceased to be a judge and has died prior to receiving a retirement annuity or other retirement benefits shall be entitled to receive a refund in an amount equal to all the contributions made by the person to the judges retirement fund plus interest computed to the date of death at the rate of five percent per annum compounded annually."

Renumber the remaining section

Page 2, line 7, strike "*retroactive to January*" and insert "*the day following final enactment. The provisions of sections 1 and 2 shall apply to all judges retiring on or after the effective date of this act.*"

Page 2, strike line 8

Amend the title as follows:

Page 1, line 3, after "judges;" insert "refunds to surviving spouses of judges;"

Page 1, line 5, strike "Subdivision" and insert "Subdivisions" and after "1" insert "and 12"

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. 1026: A bill for an act relating to insurance; removing licensing exemptions for certain insurance adjusters and appraisers; establishing a bill of rights for the processing of certain automobile claims; prohibiting certain practices; amending Minnesota Statutes 1976, Sections 72B.02; and 72B.14; repealing Minnesota Statutes 1976, Section 72B.10.

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 72B.02, Subdivision 5, is amended to read:

Subd. 5. "*Independent or staff adjuster*" means any person who for another for money, commission or any other thing of value acts as an adjuster on behalf of *one or more* than one insurer, or who holds himself out to do so.

Sec. 2. Minnesota Statutes 1976, Section 72B.03, is amended to read:

72B.03 [LICENSES.] Subdivision 1. [REQUIREMENT; EXCEPTIONS.] Except as otherwise provided, no person shall act as an independent adjuster, public adjuster, public adjuster solicitor or appraiser for money, a commission, or any other thing of value, unless such person shall first obtain from the commissioner a license. No license shall be required for a person:

(a) Undergoing a training or education program under the guidance of a licensed adjuster and who is registered with the commissioner for a one year temporary permit;

(b) Acting in a catastrophe or emergency situation, and who has registered with the commissioner for that purpose; *or*

(c) *Who is engaged as a staff appraiser;*

~~(d)~~ A nonresident adjuster who occasionally is in this state to adjust a single loss; provided, however, that if a nonresident adjusts more than six losses in this state in one year he must qualify for and receive a nonresident's license as provided in sections 72B.01 to 72B.14, and provided the adjuster's domiciliary state affords a like privilege.

Subd. 2. [CLASSES OF LICENSES.] There shall be four classes of licenses, as follows:

(a) *Independent or staff adjuster's license.*

(b) Public adjuster's license.

(c) Public adjuster solicitor's license.

(d) Appraiser's license.

The independent *or staff* adjuster and public adjuster licenses shall be issued in at least three fields each, as follows:

(a) Fire and allied lines, inland marine lines and including all perils under homeowners policies.

(b) All lines written as casualty insurance under section 60A.06, and including workers compensation.

(c) A combination of the fields described in (a) and (b), above. Separate licenses shall be required for each field, but the

same person may obtain licenses in more than one field. No person shall be licensed as both a public and independent or staff adjuster. The license shall state the class for which the person is licensed and, where applicable, the field in which the person is licensed, and shall state the licensee's name and residence address, the date of issuance and the date of expiration of the license and any other information prescribed by the commissioner which is consistent with the purpose of the license.

Subd. 3. [PAYMENT FOR SERVICES; UNLAWFUL PRACTICE.] No insurer, agent, or other representative of an insurer nor any adjuster or appraiser shall pay any fee or other compensation to any person for acting as an adjuster, an appraiser, or a public adjuster solicitor, except to a person duly licensed to so act or to a person not required to be licensed by sections 72B.01 to 72B.14; and it shall be unlawful for any person to act as an independent or staff adjuster, a public adjuster, a public adjuster solicitor or an appraiser, who is not duly licensed, or excluded from the licensing requirement.

Sec. 3. Minnesota Statutes 1976, Section 72B.04, Subdivision 5, is amended to read:

Subd. 6. [EXCEPTIONS.] A person who on ~~January 1, 1972~~ *August 1, 1978*, meets all of the qualifications specified in subdivision 2 with regard to the class of license applied for and, if experience is one of the requisites, has gained his experience within the three years next preceding ~~January 1, 1972~~ *August 1, 1978*, shall be eligible for the issuance of a license without taking an examination.

A person who has held a license of any given class or in any field or fields within three years prior to his application shall be entitled to a renewal of his license in the same class or in the same fields without taking an examination.

The commissioner may issue a license under sections 72B.01 to 72B.14 without an examination, if the applicant presents sufficient and satisfactory evidence of having passed a similar examination in another state and if the commissioner, with the advice of the advisory board, has determined that the standards of such other state are equivalent to those in Minnesota for the class of license applied for. Any applicant who presents sufficient and satisfactory evidence of having successfully completed all six parts of the insurance institute of America program in adjusting shall be entitled to an adjuster's license without taking the examination prescribed in subdivision 5.

Sec. 4. [72B.20] [COMPLIANCE WITH CHAPTER 72B.] *Subdivision 1. Each appraiser while engaged in appraisal duties shall carry the license or evidence of license issued to him by the commissioner of insurance and shall display it upon request to an owner whose vehicle is being inspected, to the repair shop representative involved, or to any insurance commissioner's representative.*

Subd. 2. The appraiser shall provide one legible copy of the

appraisal to the vehicle owner and one legible copy of the appraisal to a repair shop designated by the owner. The appraisal shall contain the name of the insurance company ordering it, if any, the insurance company's address and telephone number, its file number, the appraiser's name, license number, telephone number, and the proper identification of the vehicle being inspected. The appraisal shall indicate all significant old and unrelated damages and shall include an itemized listing of all damages, specifying those parts to be repaired and those parts to be replaced by new, used, reconditioned, or replated parts.

Subd. 3. No appraiser, adjuster, or his employer shall require that repairs be made in any specified repair facility.

Subd. 4. Each appraiser shall promptly reinspect damaged vehicles when supplementary allowances are requested by the repair shop or when the amount or extent of damages is in dispute. Reinspection of any damage on a damaged vehicle may be waived if authorized by the insurer by telephone.

Subd. 5. No appraiser or adjuster shall receive or trade in auto salvage if the salvage is obtained as a result of his appraisals.

Subd. 6. Written notice of the acceptance, partial acceptance, or rejection of a claim filed by an insured shall be made by an insurer within ten calendar days of receiving notice of the claim from the insured. An insurer shall also make written response to an inquiry by the claimant concerning the processing of a claim within ten calendar days of receiving the inquiry.

Subd. 7. An insurer shall if requested by the insured in cases of loss exceeding \$1,000 reinspect the repaired motor vehicle to ascertain whether in fact all repairs listed in the appraisal estimate have been made as provided in the appraisal.

Sec. 5. [72B.21] [PROHIBITIONS.] No adjuster or insurer, director, officer, broker, agent, attorney-in-fact, employee, or other representative of an insurer shall in collision cases:

(a) Prepare or use a list of preferred automobile repair shops in any manner which would tend to limit the freedom of an insured or claimant to choose the shop of his choice;

(b) Require that an insured or claimant present his claim or his automobile for loss adjustment or inspection at a "drive-in" claim center or any other similar facility solely under the control of the insurer;

(c) Engage in boycotts, intimidation or coercive tactics in negotiating repairs to damaged motor vehicles which they insure or are liable to third party claimants to have repaired;

(d) Require an insured or claimant to pay in excess of his collision deductible amount, where such excess charges result from the insurer's decision to install new parts due to the unavailability of used or reconditioned parts; or

(e) Attempt to secure, except in an emergency, the insured's

or claimant's signature authorizing the party securing the signature to act in behalf of the insured or claimant in selection of a repair shop facility.

Sec. 6. [INSTRUCTION TO REVISOR.] *In the next and subsequent editions of Minnesota Statutes, wherever in chapter 72B the phrase "sections 72B.01 to 72B.14" appears, the revisor of statutes shall substitute a reference to sections 72B.01 to 72B.14 and sections 4 to 6 of this act, inclusive.*

Sec. 7. *Minnesota Statutes 1976, Sections 72B.02, Subdivisions 7 and 10; and 72B.10, are repealed."*

Amend the title as follows:

Page 1, line 4, strike everything after the semicolon

Page 1, strike line 5

Page 1, line 7, after "Sections" insert "72B.02, Subdivision 5;"

Page 1, line 7, strike "72B.14" and insert "72B.04, Subdivision 6"

Page 1, line 8, strike "Section" and insert "Sections 72B.02, Subdivisions 7 and 10; and"

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. 1478: A bill for an act relating to the Administrative Procedures Act; removing the exemptions from the rulemaking provisions for the corrections board and pardon board, the department of employment services, the director of mediation services, the workers compensation division in the department of labor and industry, the workers compensation court of appeals and the board of pardons; 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. Minnesota Statutes, 1977 Supplement, Section 15.0411, Subdivision 2, is amended to read:

Subd. 2. "Agency" means any state officer, board, commission, bureau, division, department, or tribunal, other than a court, having a statewide jurisdiction and authorized by law to make rules or to adjudicate contested cases. "Agency" also means the capitol area architectural and planning board. Sections 15.0411 to 15.052 do not apply to (a) agencies directly in the legislative or judicial branches, (b) emergency powers in Laws 1951, Chapter 694, Title III, Sections 301 to 307, (c) corrections board and pardon board, (d) the unemployment insurance pro-

gram in the department of economic security, (e) the director of mediation services, (f) the workers compensation division in the department of labor and industry, (d) the workers compensation court of appeals, (h) board of pardons, or (i) (c) the department of military affairs. Sections 15.0418 to 15.0426 do not apply to (a) the Minnesota municipal board, (b) corrections board, (c) the unemployment insurance program in the department of economic security, (d) the director of mediation services, (e) the workers compensation division in the department of labor and industry, (f) the workers compensation court of appeals, (g) the board of pardons, or (h) the public employees relations board.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 15.0412, Subdivision 5, is amended to read:

Subd. 5. When an agency is directed or authorized by statute, federal law or court order to adopt, amend, suspend or repeal a rule in a manner that does not allow for compliance with subdivision 4, or if an agency is expressly authorized by statute to adopt temporary rules, the agency shall promulgate a adopt any temporary rule rules in accordance with this subdivision. The proposed temporary rule shall be published in the state register and for at least 20 days thereafter the agency shall afford all interested persons an opportunity to submit data and views on the proposed temporary rule in writing. The proposed temporary rule may be modified if the modifications are supported by the data and views submitted to the agency. The agency shall submit to the attorney general the proposed temporary rule as published, with any proposed modifications. The attorney general shall review the proposed temporary rule as to form and legality and shall approve or disapprove the proposed temporary rule and any proposed modifications within five working days. The temporary rule shall take effect upon approval of the attorney general. Failure of the attorney general to approve or disapprove within five working days shall be deemed approval. As soon as practical notice of the attorney general's decision shall be published in the state register and the adopted rule shall be published in the manner as provided for adopted rules in subdivision 4. Temporary rules adopted under this subdivision shall be effective for not longer than 90 days and may be reissued or continued in effect for an additional 90 days, but may not immediately be reissued thereafter without following the procedure of subdivision 4.

Sec. 3. Minnesota Statutes 1976, Section 15.0413, Subdivision 1, is amended to read:

15.0413 [EFFECT OF ADOPTION OF RULES; PUBLICATION; APPROPRIATION.] Subdivision 1. Every rule approved by the attorney general and filed in the office of the secretary of state as provided in section 15.0412 shall have the force and effect of law 20 five working days after its publication in the state register unless a later date is required by statute or specified in the rule. The secretary of state shall keep a permanent record of rules filed with that office open to public inspection.

Sec. 4. Minnesota Statutes 1976, Section 15.0413, Subdivision 2, is amended to read:

Subd. 2. Each rule hereafter amended, suspended, or repealed shall become amended, suspended, or repealed ~~20~~ *five working* days after the new or amended rule or notice of suspension or repeal is published in the state register unless a later date is required by statute or specified in the rule.

Sec. 5. Minnesota Statutes 1976, Section 112.801, Subdivision 8, is amended to read:

Subd. 8. All proceedings before the board *conducted pursuant to this chapter and chapter 105* shall be in conformity with sections 15.0411 to ~~15.0422~~ *15.052*.

Sec. 6. Minnesota Statutes 1976, Section 136.63, Subdivision 1a, is amended to read:

Subd. 1a. The state board for community colleges shall prescribe the courses of study including undergraduate academic programs, training in semi-professional and technical fields, and adult education, conditions of admission, fees and tuition to be paid by students, requirements for graduation, and such suitable rules and regulations necessary for the operation of such community colleges. ~~Rules and regulations so prescribed shall not be subject to the requirements of the administrative procedure act or any other law requiring notice, hearing or the approval of the attorney general prior to adoption.~~

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 163.27, Subdivision 13, is amended to read:

Subd. 13. [SUSPENSION AND REVOCATION; HEARING.] The registrar of motor vehicles, upon his own motion or upon the complaint of another, shall prepare and cause to be served upon the licensee complained of, a written notice or complaint setting forth, in substance, the violations charged, a statement of the deficiencies which exist and any corrective action deemed appropriate. Said notice shall include a statement that in the event corrective action is deemed appropriate and corrective action is not taken, the dealer's license may be suspended or revoked. The notice shall require the licensee to appear at the time and place fixed therein before the registrar or inspector, and show cause why his license should not be suspended or revoked.

The registrar shall, at the time and place fixed in the notice, proceed to hear and determine the matter on its merits. All hearings shall be conducted in accordance with the provisions of chapter 15; ~~except that the provisions of section 15.052, Subdivision 3, shall not apply.~~ The registrar is authorized to subpoena witnesses and administer oaths. If the registrar shall find the existence of any of the causes for suspension or revocation as set forth in subdivision 12 and determine that corrective action has not been taken or that corrective action will not prevent repetition of the violations charged or that the public interest will not be served by corrective action and the licensee's license should be

suspended or revoked, the registrar shall issue a written order setting out his decision, and a copy of such order shall be served upon such licensee in the manner provided by law for the service of summons in a civil action. If the registrar finds the dealer has violated any of the provisions of this section but that the nature of said violation or the circumstances thereof are such that a suspension of the license would be adequate, he may, instead of revoking the license suspend it for a period not exceeding 90 days. If he finds the violation does not justify a suspension only, he shall revoke the license. Upon a suspension or revocation, if it be a new or used motor vehicle dealer, said licensee shall immediately return to the registrar all number plates, including any "in transit" plates, in its possession and its dealer's license certificate.

Sec. 8. [EFFECTIVE DATE.] *This act shall be effective in respect to all proceedings initiated after April 1, 1978.*"

Amend the title as follows:

Strike the title in its entirety and insert:

"A bill for an act relating to the administrative procedure act; adjusting powers of the attorney general and the chief hearing examiner; removing the exemptions from the rulemaking provisions for the corrections board, the department of employment services, the director of mediation services, the workers compensation division in the department of labor and industry, the workers compensation court of appeals, the board of pardons and the community college board; adding an exemption for the public employment relations board; amending certain procedural requirements of the department of public safety and the water resources board; amending Minnesota Statutes, 1977 Supplement, Sections 15.0411, Subdivision 2; 15.0412, Subdivision 5; 168.27, Subdivision 13; Minnesota Statutes 1976, Sections 15.0413, Subdivisions 1 and 2; 112.801, Subdivision 8; and 136.63, Subdivision 1a."

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

Mr. Moe from the Committee on Finance, to which was referred

S. F. No. 1722: A bill for an act relating to education; providing educational aids for children attending nonpublic schools; appropriating money; amending Minnesota Statutes 1976, Sections 120.17, Subdivision 9; 123.931; 123.932, Subdivision 7, and by adding subdivisions; 123.933; 123.935; 123.936; 123.937; 124.212, by adding a subdivision; and Chapter 123, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 124.212, Subdivision 9a; and 124.223; repealing Minnesota Statutes 1976, Sections 123.932, Subdivisions 1, 2, 6 and 8; 123.934; and Laws 1977, Chapter 447, Article VI, Section 12.

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

Page 6, line 18, after "area" insert "; (a)"

Page 6, line 21, strike "pupil support" and insert "health"

Page 6, line 23, after "located" insert "; and (b) to provide each year upon formal request by a specific date by or on behalf of a nonpublic school secondary pupil enrolled in a nonpublic school located in that district or area, the same specific guidance and counseling services as are provided for public school secondary pupils by the district where the nonpublic school is located"

Page 6, line 32, after "all" insert "eligible"

Page 8, line 14, strike "The allotment for guidance and counseling"

Page 8, strike lines 15 to 21

Page 8, line 22, strike "current school year."

Page 9, line 2, strike "elementary or"

Page 9, line 18, strike "Subdivision 1. Each"

Page 9, strike lines 19 to 23

Page 9, line 24, strike "Subd. 2."

Page 10, line 3, strike "\$4,204,000" and insert "\$3,993,200"

Page 11, line 21, strike "or" and insert "; provided, however, that special instruction and services for handicapped children required pursuant to section 120.17 may also be provided"

Page 11, line 22, strike "except that" and insert "and"

Pages 13 and 14, strike section 23 and insert:

"Sec. 23. [APPROPRIATION.] There is appropriated from the general fund to the department of education for the year ending June 30, 1979, the sum of \$10,000 for the purpose of paying the department's expenses of administering sections 1 to 22 of this act. This appropriation shall be added to the amount appropriated for that year for that purpose in Laws 1977, Chapter 449, Section 2."

Page 14, line 3, strike "Subdivision 1."

Page 14, line 5, strike "\$750,000" and insert "\$626,300"

Page 14, strike lines 13 to 16

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

Mr. Moe from the Committee on Finance, to which was referred

S. F. No. 1404: A bill for an act relating to education; granting certain powers and duties relating to public libraries to the state board and the state department of education; providing grants for certain library systems; appropriating money; amending Minnesota Statutes 1976, Chapter 134, by adding sections; repeal-

ing Minnesota Statutes 1976, Sections 121.22; 121.23; 121.24; and 134.035.

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

Page 5, line 1, strike "at least"

Page 5, line 4, strike "at least"

Page 5, line 4, strike ".3" and insert ".2"

Page 5, line 8, strike "at"

Page 5, line 9, strike "least"

Page 5, line 9, strike ".45" and insert ".3"

Page 5, line 14, strike "at least"

Page 5, line 14, strike ".6" and insert ".4"

Page 6, line 10, strike "at least"

Page 6, line 11, strike ".6" and insert ".4"

Page 6, line 14, strike "The state department may"

Page 6, strike lines 15 and 16

Page 6, line 17, strike "system meets all other requirements."

Page 7, line 8, strike "at least"

Page 7, line 13, strike ".6" and insert ".4"

Page 7, line 19, strike "at least"

Page 7, line 20, strike ".6" and insert ".4"

Page 7, after line 32, insert

"Subd. 4. A regional library basic system support grant shall not be made to a regional public library system for a participating city or county which decreases the dollar amount provided for support for operating purposes of public library service below the amount provided by it for the preceding year. This subdivision shall not apply to participating cities or counties where the adjusted assessed valuation of that city or county has decreased, if the dollar amount of the reduction in support is not greater than the dollar amount by which support would be decreased if the reduction in support were made in direct proportion to the decrease in adjusted assessed valuation."

Page 10, after line 2, insert

"Sec. 9. The state department may waive the requirement that three counties participate in the Western Plains system in order for that system to qualify for a basic system support grant pursuant to section 5, until June 30, 1979, if that system meets all other requirements."

Page 10, line 3, strike "9" and insert "10"

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

Mr. Moe from the Committee on Finance, to which was referred

H. F. No. 2068: A bill for an act relating to public television; eliminating restriction on location of television tower; amending Laws 1977, Chapter 320, Section 1.

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

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

H. F. No. 1447: A bill for an act relating to education; teachers; providing due process rights for certain athletic coaches; amending Minnesota Statutes 1976, Chapter 125, by adding a section.

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

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

H. F. No. 2081: A bill for an act relating to education; authorizing expansion of the environmental education program; amending Minnesota Statutes 1976, Section 89.35, Subdivision 2; and Minnesota Statutes, 1977 Supplement, Section 126.111, Subdivision 1.

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

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

H. F. No. 2067: A bill for an act relating to transportation; authorizing permits for the construction of agricultural fences on a highway right-of-way.

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 161, is amended by adding a section to read:

[161.436] [AGRICULTURAL FENCES ON RIGHT-OF-WAY.] *Subdivision 1. [PERMITS; CONDITIONS.] The commissioner may grant permits for the erection of fences for agricultural purposes on trunk highway right-of-way subject to the provisions of this section. Permits shall specifically describe the location, type of construction, height and length of the fence per-*

mitted to be erected. As a condition of any permit, the commissioner shall require the permittee to hold the state harmless from any damage that may occur by reason of the erection or maintenance of any fence and to furnish satisfactory evidence of insurance against potential damage claims. The commissioner shall not grant any permit for any fence that, in his judgment, would interfere with or impair highway travel or maintenance.

Subd. 2. [REVOCATION.] A permit may be revoked at any time and for any reason. Revocation shall not entitle the permittee or any other person to compensation of any kind.

Subd. 3. [INTERFERENCE WITH UTILITIES; MAINTENANCE.] No fence for which a permit is granted under this section shall be placed in a manner that interferes with the location or maintenance of the facilities of a public utility. The maintenance of any fence for which a permit is granted under this section shall be the responsibility of the permittee.

Subd. 4. [FEES.] The commissioner may charge a reasonable fee for a permit granted under this section to compensate for the cost of administering the permit system. All fees collected shall be credited to the trunk highway fund.

Subd. 5. [FEDERAL AID.] The commissioner shall take no action under this section that will result in the loss of all or part of any federal aid otherwise available for highway construction in this state."

Amend the title as follows:

Page 1, line 3, strike "a" and insert "trunk"

Page 1, line 4, before the period, insert "; amending Minnesota Statutes 1976, Chapter 161, by adding a section"

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

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

H. F. No. 1604: A bill for an act relating to town roads; providing cartways; amending Minnesota Statutes 1976, Section 164.08, Subdivision 2.

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

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

H. F. No. 1967: A bill for an act relating to motor vehicles; permitting personalized license plates on trucks; amending Minnesota Statutes 1976, Section 168.12, Subdivision 2a.

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

Page 1, line 10, strike "Any applicant"

Page 1, line 11, strike "may apply for"

Page 1, line 11, strike the period and insert "*shall be issued to any applicant for registration of a passenger automobile, station wagon, van or pickup truck with a gross weight of 9,000 pounds or less, or self-propelled recreational vehicle,*"

Page 1, line 13, delete "the" and strike "motor"

Page 1, line 13, before "vehicle" insert "the"

Page 1, line 14, strike "which fee is"

Page 1, line 15, delete "motor"

Page 1, line 15, strike " , the"

Page 1, strike line 16

Page 1, line 17, strike "plates"

Page 1, lines 17 to 21, strike the underlined language

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. 1961: A bill for an act relating to commerce, regulating building movers; creating an advisory council; amending Minnesota Statutes 1976, Chapter 221, by adding a section.

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

Page 1, line 11, after "in" insert "*the business of*"

Page 1, line 12, before the period insert "*excluding mobile homes*"

Page 1, lines 14, 17, 18 and 19, strike "department" and insert "commission"

Page 2, line 4, before "department" insert "commission or"

Page 2, lines 9, 15 and 24, strike "department" and insert "commission"

Page 2, line 17, before "department" insert "commission or"

Page 2, line 22, strike "granting, suspending and revoking"

Page 2, line 23, strike "licenses"

Page 2, line 26, after "section" insert "and adopt rules" and after "issuance" insert " , suspension, revocation"

Page 2, line 32, before the first "department" insert "commission or"

Page 3, line 5, after "The" strike "department" and insert "commission"

Page 3, strike lines 8 to 17

Amend the title as follows:

Page 1, line 3, strike "creating an advisory council;"

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. 2033: A bill for an act relating to cable communications; providing for line extension; amending Minnesota Statutes 1976, Sections 238.02, by adding subdivisions, 238.08, Subdivision 1; and Chapter 238, by adding a section.

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

Page 2, after line 29, insert:

"Subd. 2. [EXEMPTION.] Notwithstanding any law to the contrary, the governing body of a municipality receiving service from a cable communications system having less than 50 subscribers in the municipality may exempt the cable communications systems from obtaining a permit from that municipality"

Renumber the subdivisions in sequence

Page 2, line 30, before "Any" insert "[MUNICIPAL PERMIT.]"

Page 2, line 31, strike "in a public proceeding" and insert "at a regular or special meeting of the governing body"

Page 3, strike line 1

Page 3, line 2, strike "council, township or county board meeting."

Page 3, line 22, strike "an" and insert "the municipality with jurisdiction over the"

Page 4, line 2, strike "or regulation"

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

Page 4, line 30, strike "by that time" and insert "thereafter"

Page 5, line 8, strike "and"

Page 5, line 9, strike "regulations"

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. 1277: A bill for an act relating to motor vehicles; limiting the issuance of vehicle registration plates or tabs and title documents; and requiring driver license suspension, under certain circumstances; amending Minnesota Statutes 1976, Section 171.16, Subdivision 3.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 169.99, is amended by adding a subdivision to read:

Subd. 1b. The copy of the uniform traffic ticket provided to the violator shall include a notice specifying the consequences which may result pursuant to section 171.16, subdivision 3, if the violator fails to respond to the citation.

Sec. 2. Minnesota Statutes 1976, Section 171.16, Subdivision 3, is amended to read:

Subd. 3. [SANCTIONS FOR FAILURE TO APPEAR OR PAY FINE.] When any court reports to the commissioner that a person: (1) has been ~~convicted of~~ *charged with* violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, *and has failed to appear in response to the citation, or* (2) *has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, has been sentenced to the payment of a fine only, and* (3) *has refused or failed to comply with that sentence notwithstanding the fact that the court has determined that the person has the ability to pay the fine, the commissioner shall take the following action:*

(a) In the case of a moving traffic violation, he shall suspend the driver's license of such the person for 30 days for a period of refusal or failure to pay or six months or until notified by the court that an appearance has been made or the fine has been paid, whichever is shorter.

(b) In the case of a parking violation, he shall refuse to issue license plates or tabs to the vehicle named in the citation until notified by the court that an appearance has been made or the fine has been paid. If the vehicle named in the citation is transferred to another owner, the commissioner shall issue license plates or tabs to the new owner but not to any other vehicle owned by the owner of the vehicle named in the citation until notified by the court that an appearance has been made or the fine has been paid.

No warrant for the arrest of a person charged with a parking violation shall be issued.

Sec. 3. Minnesota Statutes 1976, Section 171.16, is amended by adding a subdivision to read:

Subd. 6. [PARKING VIOLATIONS.] For the purpose of this section, "parking violation" means a violation of the provisions of sections 169.32, 169.34 to 169.36, or any law or ordinance adopted by a local authority in conformance with these sections or with section 169.04, clause (1), or any other law or ordinance providing for or regulating the parking, stopping or standing of a motor vehicle.

Sec. 4. [EFFECTIVE DATE.] This act is effective July 1, 1979 and applies to all proceedings commenced on or after that date "

Strike the title in its entirety and insert

"A bill for an act relating to motor vehicles; limiting the issuance of vehicle registration plates or tabs and title documents; prohibiting the issuance of arrest warrants for violations of parking laws; defining parking violations; amending Minnesota Statutes 1976, Sections 169.99, by adding a subdivision; and 171.16 Subdivision 3, and by adding a subdivision."

And when so amended the bill do pass. Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

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

S. F. No. 2272: A bill for an act relating to cities of the first class; providing for election of city officers and school board members in November of odd-numbered years; amending Minnesota Statutes 1976, Section 205.021; and Chapter 205, by adding a section; repealing Minnesota Statutes 1976, Sections 205.18 and 205.19.

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

Page 1, line 14, strike "Subdivision 1."

Page 1, line 19, strike "subdivision" and insert "section"

Page 1, strike line 24

Page 2, strike lines 1 to 26 and insert

"Sec. 2. Minnesota Statutes 1976, Chapter 205, is amended by adding a section to read:

[205.201] [FIRST CLASS CITIES; ELECTION DAY.] The regular election of all elected officers of a city of the first class, including city council members, the mayor, elected members of city boards and commissions, and the board members of any school district principally situated in the city, shall be held on the first Tuesday after the first Monday in November in odd-numbered years. A primary election shall be held six weeks before the regular election day. No primary shall be held to select candidates for any nonpartisan office when only two persons file for nomination for that office, or when not more than twice the number

of persons to be elected file for nomination for that office. The time for the filing of any affidavit, application, petition or other document required to place the name of any person on the ballot for election to any office to be filled as provided in this section shall commence 14 weeks before the day of the regular election and shall conclude 12 weeks before that day. Any general or special law or home rule charter provision inconsistent with the provisions of this section is superseded to the extent that it is inconsistent with those provisions.

Sec. 3. Minnesota Statutes 1976, Section 123.51, is amended to read:

[123.51] [SPECIAL SCHOOL DISTRICTS, LAWS APPLICABLE.] Special districts as now organized shall continue to operate under the special legislation and charter provisions governing them until conversion to independent districts. The provisions of Laws 1957, Chapter 947, relating to independent districts shall apply to and govern each special district unless the special laws and charter provisions governing the special district provide for the matter, in which case the special laws and charter provisions relating to the special district shall apply and control. *The provisions of section 2 of this act shall control and shall supersede inconsistent provisions of special laws or charters in the matter of school district elections in special districts.*

Sec. 4. Minnesota Statutes 1976, Section 410.21, is amended to read:

410.21 [APPLICATION OF GENERAL ELECTION LAWS.] *Except as provided otherwise in section 2 of this act, the provisions of any charter of any such city adopted pursuant to this chapter shall be valid and shall control as to nominations, primary elections, and elections for municipal offices, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter.*

Sec. 5. [ADJUSTMENT OF TERMS; CITY OF SAINT PAUL; REFERENDUM.] *The city council of the city of St. Paul by ordinance may extend the terms of all incumbent elected officers of that city to the first business day in January of the even numbered year next following the date the terms would otherwise expire. The ordinance shall be placed on the city ballot at a special city referendum election held at the time of the 1978 general election and shall be effective upon approval by a majority of those voting on the question at that election. The terms of all incumbent officers of the school district principally situated in the city of St. Paul shall be extended in the same manner as the terms of city officers if an ordinance concerning the terms of city officers is adopted and approved as provided in this subdivision. If an ordinance is not adopted and approved as provided in this subdivision, the terms of all incumbent officers described in section 2 of this act, including the incumbent officers of the school district principally situated in the city of St. Paul, shall be reduced to the first business day in January of the even num-*

bered year next preceding the date the terms would otherwise expire."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, strike "Section" and insert "Sections 123.51;"

Page 1, line 5, after "205.021;" insert "410.21;"

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

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

S. F. No. 1781: A bill for an act relating to education; providing for certain adjustments in aids to education, tax levies, and the distribution of tax revenues; granting certain powers and duties to school boards, school districts, school bus contractors, the commissioner of education, the state board of education, the state board for vocational education, and the board of teaching; allowing certain fees; establishing formulas for travel aid and aid for certain secondary vocational education programs; increasing incentives for teacher mobility; appropriating money; amending Minnesota Statutes 1976, Sections 6.62, Subdivision 1; 120.17, Subdivision 3; 120.64, Subdivision 4; 120.73, by adding a subdivision; 121.21, Subdivision 6; 121.216; 121.904, Subdivision 7, and by adding a subdivision; 122.23, by adding subdivisions; 123.34, Subdivisions 4 and 8; 123.37, Subdivisions 1b, 3 and 4; 123.39, by adding subdivisions; 124.15, Subdivisions 2 and 6; 124.17, by adding a subdivision; 124.212, Subdivision 20; 124.222, by adding a subdivision; 124.563, Subdivision 2; 124.565, by adding a subdivision; 125.12, Subdivisions 6a and 6b; 125.185, Subdivision 4, and by adding a subdivision; 126.12; 127.25, Subdivisions 1, 2, and by adding a subdivision; 128A.02, by adding a subdivision; 128A.03, Subdivision 2; 134.03; 275.125, Subdivisions 6, 15, 16 and 18, and by adding a subdivision; 275.48; 298.39; 298.396; 471.16, Subdivision 1; 471.61, Subdivision 1; Chapter 120, by adding a section; Chapter 124, by adding sections; Minnesota Statutes, 1977 Supplement, Sections 121.912, Subdivision 1; 124.17, Subdivision 1; 124.212, Subdivisions 5a and 8a; 124.214; 124.222, Subdivision 6; 124.223; 124.32, Subdivisions 1b, 5 and 7; 124.562, Subdivision 1; 124.563, Subdivision 1; 124.572, Subdivision 3; 124.573, Subdivisions 2, 3, and by adding a subdivision; 125.60, Subdivision 2; 125.61, Subdivisions 1 and 2; 176.011, Subdivision 9; 275.07; 275.124; 275.125, Subdivisions 2a, 9 and 13; 298.28, Subdivision 1; Laws 1967, Chapter 33, by adding a section; Laws 1967, Chapter 822, Section 7, as amended; Laws 1969, Chapter 775, Section 4, Subdivision 1 and Subdivision 2, as amended; Laws 1969, Chapter 1060, Section 7, as amended; Laws 1971, Chapter 722, Section 1, as amended; Laws 1977, Chapter 447, Article I, Section 23, Subdivision 2 and Article III, Section 16. Subdivision 2; repealing Minnesota Statutes 1976, Sections 120.065; 120.07; 124.02; 124.16; Minnesota Statutes, 1977 Supplement, Sections 123.39, Subdivision 5a; and 124.213.

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

Page 7, after line 30, insert:

"Sec. 12. Minnesota Statutes, 1977 Supplement, Section 122.85, Subdivision 1, is amended to read:

122.85 [EXPERIMENTAL PAIRING.] Subdivision 1. Notwithstanding the provisions of sections 122.41 and 122.43, the board of any school district paired with another in this section upon approval by the school boards of both of the paired districts may enter into an agreement providing for the discontinuance by one district of any of grades kindergarten through 12 or portions of those grades and the instruction in the other district of the pupils in the discontinued grades or portions of grades. This provision shall apply on an experimental basis to the following pairs of school districts: Independent School Districts No. 217 and No. 220, No. 243 and No. 245, No. 328 and No. 516, No. 440 and No. 444, No. 649 and No. 650, No. 654 and No. 655, No. 782 and No. 783, and No. 893 and No. 896. These experimental pairing agreements shall not extend beyond June 30, 1980."

Page 87, after line 3, insert:

"Sec. 85. [CONSOLIDATION ELECTION; INDEPENDENT SCHOOL DISTRICTS No. 326 and No. 323.]

At any election called pursuant to section 122.23 for the consolidation of Independent School District No. 326 and Independent School District No. 323, the boards of those districts may submit to the voters of those districts an additional proposal to:

(a) increase the number of directors on the board of the consolidated district to seven, and

(b) establish separate election districts from which the directors of the consolidated district will be elected.

The proposal shall be set forth in a joint resolution of the boards of both districts adopted in accordance with Minnesota Statutes, Section 123.32, Subdivision 22. That portion of the joint resolution establishing the separate election districts shall be adopted in accordance with Minnesota Statutes, Section 123.32, Subdivisions 9 to 21.

The proposal shall be effective upon approval of that proposal and the consolidation proposal by a majority of those voting at that election.

This section expires December 31, 1979."

Page 90, line 3, strike "33" and insert "34"

Page 90, line 28, strike "94" and insert "96"

Page 90, line 31, strike "57" and insert "58"

Page 90, line 31, strike "60" and insert "61"

Page 91, after line 4, insert:

"Subd. 3. Section 12 of this act, insofar as it affects named pairs of independent school districts, shall be effective as to each pair upon its approval by the school boards of both of the paired districts. Otherwise, section 12 of this act shall be effective the day following final enactment."

Page 91, strike lines 5 and 6 and insert "Subd. 4. Sections 5, 6, 7, 25, 31, 33, 34, 38, 39, 40, 41, 42, 49, 63, 64, 65, 66, 68, 81, 83, 84, 85, 93, 94 and"

Page 91, line 7, strike "93" and insert "95"

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 35, after "1," insert "122.85, Subdivision 1;"

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

Mr. Davies from the Committee on Judiciary, to which were referred the following appointments as reported in the Journal for February 9, 1978:

TAX COURT OF APPEALS

John Knapp

Earl B. Gustafson

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Davies from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for February 13, 1978:

TAX COURT OF APPEALS

Jack Fena

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Coleman moved that the foregoing committee report be laid on the table. The motion prevailed.

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

H. F. Nos. 1797, 2159 and 1870 for comparison with companion Senate Files, reports the following House Files were found identical and recommends the House Files be given their second reading and substituted for their companion Senate Files as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1797	1916				
2159	1862				
1870	1717				

and that the above Senate Files be indefinitely postponed.

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

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

H. F. Nos. 2051, 2298, 2494, 2493, 1921, 838 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.
2494	2371				
2051	1909				
2298	1398				
838	322				
1921	2025				
2493	2370				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2298 be amended as follows:

Page 1, after line 21 insert

"Sec. 2. [EFFECTIVE DATE.] This act is effective the day following final enactment."

And when so amended H. F. No. 2298 will be identical to S. F. No. 1398, and further recommends that H. F. No. 2298 be given its second reading and substituted for S. F. No. 1398, 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. 2051 be amended as follows:

Page 1, line 16, strike the semicolon and insert a new comma

Page 1, line 17 insert a new comma before "and" and delete "exceed" and insert "receive"

Page 1, line 18, delete "a total of" and insert "more than"

Page 1, line 21, delete "governing body of the board of" and after "park" insert "and recreation board of"

Further, amend the title in line 3 by inserting after "the" the words "park and recreation"

Page 1, line 4, delete "park"

And when so amended H. F. No. 2051 will be identical to S. F. No. 1909, and further recommends that H. F. No. 2051 be given its second reading and substituted for S. F. No. 1909, 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. 838 be amended as follows:

Page 4, line 14, strike "\$20,000" and insert "*a total of \$50,000*"

Page 4, line 14, restore the stricken language and after "counties" insert "*and financial institutions*"

Page 5, after line 26, insert

"No resolution, ordinance, rule, or regulation approved by the managers after August 1, 1978, which affects land or water within the boundaries of a home rule charter or statutory city shall be effective within the city's boundaries prior to notifying the governing body of the city."

Page 9, line 16, after "an" insert "annual"

Page 9, delete lines 17 to 20 and insert "*valorem levy not to exceed one mill on each dollar of assessed valuation of all taxable property within the district. At no time shall the balance of the survey and data acquisition fund exceed \$50,000. In a*"

Page 12, line 25, after "property" insert "*pursuant to section 112.69*"

Page 15, delete lines 19 to 24 and insert

"[112.87] [DAMAGES, PAYMENT.] Section 117.115 shall not apply to any project to be financed by special assessment. When the damages for a project to be financed by special assessment are awarded and duly confirmed, the managers shall determine that the project's benefits exceed the total costs, including any damages awarded, and shall amend its statement filed with the county auditor pursuant to section 112.60, subdivision 1, to reflect the amount of damages awarded. Before entering upon any property for which damages were awarded in order to initiate the construction of the project, the managers shall pay the amount of damages awarded less any assessment against the property from the funds provided by the county board pursuant to section 112.60. In case of appeal of the amount of damages, no damages shall be paid until the final determination thereof."

Page 16, line 3, after "fee" insert "*of not less than \$35,*"

Page 17, delete lines 2 and 3

Further, amend the title as follows:

Line 7, delete "requiring" and insert "authorizing watershed districts to require"

And when so amended H. F. No. 838 will be identical to S. F. No. 322, and further recommends that H. F. No. 838 be given its second reading and substituted for S. F. No. 322, 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. 2493 be amended as follows:

Strike everything after the enacting clause and insert

"Section 1. [PUBLIC LAND AND BUILDINGS; GENERAL AND OTHER FUND APPROPRIATIONS.] The sums set forth in the column designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the state agencies indicated to be expended in accordance with the provisions of this act.

SUMMARY

Sec. 2. CAPITOL COMPLEX	\$ 1,562,990
Sec. 3. NATURAL RESOURCES	359,860
Sec. 4. MILITARY AFFAIRS	30,000
Sec. 5. EDUCATION	170,500
Sec. 6. COMMUNITY COLLEGES	1,100,000
Sec. 7. MINNESOTA HISTORICAL SOCIETY	66,000
Sec. 8. TRANSPORTATION	5,253,490
Sec. 9. CORRECTIONS	3,231,550
Sec. 10. PUBLIC WELFARE	10,443,887
TOTAL—ALL FUNDS	\$22,218,277
General Fund	16,638,962
Game and Fish Fund	238,340
Trunk Highway Fund	5,340,975

APPROPRIATIONS

Sec. 2. [CAPITOL COMPLEX.]

To the commissioner of administration for the purposes specified in this section	1,562,990
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APPROPRIATIONS

	\$	\$
(a) Install emergency lighting in historical society and transportation buildings, and upgrade fire alarm system in transportation building	110,000	
(b) Replace centennial condenser	43,600	
(c) Replace surface of plaza on west side of capitol	165,500	
(d) Modify electrical and dewatering system in transportation building	11,660	
(e) Replace roof on administration and centennial buildings	247,750	
(f) Rebuild centennial east entrance to conserve energy and strengthen exterior glass wall	119,900	
(g) Install smoke detectors in capitol ventilation system	39,000	
(h) Replace roof and sky light in the historical building	146,600	
(i) Install veterans services humidifier	11,555	
(j) Repair steam lines and replace expansion joints	98,100	
(k) Install humidifier in transportation building	15,825	
(l) Install hoist and rewire capitol rotunda chandelier	27,500	
(m) General purpose remodeling	125,000	
(n) Remodel department of revenue offices	150,000	
(o) Replace exterior doors of historical society building	16,000	
(p) Clean exterior and remodel and repair curator's office in historical building	140,000	
(q) Refinish capitol's golden horses and install protective barrier	95,000	

Of this appropriation \$87,485 is from the trunk highway fund for projects partial (a), (d) and (k).

Sec. 3. [NATURAL RESOURCES.]

APPROPRIATIONS

	\$	\$
To the commissioner of natural resources for the purposes specified in this section		359,860
(a) Repair or replace Grand Rapids service center heating plant	38,640	
(b) Replace heating system and improve insulation at Carlos Avery wildlife management area	38,640	
(c) Remodel Hibbing mineral office to reduce heat loss and improve heating system	70,000	
(d) Remodel old French River hatchery	167,500	
(e) Remodel Grand Rapids area headquarters	32,200	
(f) Replace roof at Grand Rapids service center	12,880	
Of this appropriation \$238,340 is from the game and fish fund for projects (b), (d) and (e).		

Sec. 4. [MILITARY AFFAIRS.]

To the adjutant general to replace the National Guard Armory heating boiler at Madison, Minnesota

30,000

This appropriation shall not be expended until the commissioner of administration has explored with the Madison school district the feasibility of using a joint heating plant.

Sec. 5. [EDUCATION.]

To the commissioner of administration for the purposes specified in this section

170,500

(a) For ventilation and fire detection systems at Pollard hall at the Minnesota school for the deaf

41,000

(b) Faribault school

52,000

This appropriation is for the development of preliminary plans for construction of an educational residential facility for the vision-impaired and multiply handicapped at the Faribault school, including the selection of a building site, schematic drawing of the building and cost estimates of construction.

APPROPRIATIONS

	\$	\$
(c) For the remodeling of buildings on the deaf campus of the Faribault school to make them accessible for temporary use by the school's vision-impaired and multiply handicapped students	77,500	
Sec. 6. [COMMUNITY COLLEGES.]		
To the chancellor of the community college system for road repair, landscaping, remodeling, and miscellaneous maintenance		1,100,000
Sec. 7. [MINNESOTA HISTORICAL SOCIETY.]		
To the Minnesota historical society for the purposes specified in this section		66,000
(a) Landscape and remodel main research center	16,000	
(b) Plan Mississippi river interpretive center	50,000	
Sec. 8. [TRANSPORTATION.]		
Subdivision 1. To the commissioner of transportation for the purposes more specifically described in the following subdivisions of this section		5,253,490
Subd. 2. Improve to meet OSHA requirements, reroofing, remodeling and miscellaneous repairs		616,940
Subd. 3. Provide storage sheds for chemical storage		47,000
Subd. 4. Planning for central shop and labs		40,000
Subd. 5. Construct district headquarters and equipment storage buildings at the locations specified in this subdivision		4,549,550
(a) Willmar district headquarters	2,539,700	
(b) Dakota county including land	849,000	
(c) Waseca	163,500	
(d) Slayton	158,050	
(e) Milaca	158,050	
(f) Deer River	168,950	
(g) Zumbrota	158,050	

APPROPRIATIONS

	\$	\$
(h) Hawley	147,150	
(i) McGregor	207,100	

The appropriations in this section are from the trunk highway fund.

Sec. 9. [CORRECTIONS.]

To the commissioner of administration for the purposes specified in this section		3,231,550
(a) Safety and Health	1,727,459	
(b) Planning for the Minnesota State Prison renovation	235,000	
(c) General Projects	893,091	
(d) Security	376,000	

Sec. 10. [PUBLIC WELFARE.]

To the commissioner of administration for the purposes specified in this section		10,443,887
(a) Life Safety	2,784,649	
(b) Renovation	5,307,188	
(c) Furniture	200,000	
(d) Carpeting	132,000	
(e) General Projects	1,450,050	

It is in the public interest to proceed with expedience to implement appropriations for life safety and general projects at the state hospitals. Therefore, state officers in charge of construction are authorized to retain designing architects and engineers currently working on similar projects at these hospitals without complying with the provisions of Minnesota Statutes 1976, Chapter 16, insofar as they relate to selection of architects and engineers.

(f) Security Hospital	250,000
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\$50,000 of this appropriation is available to identify alternative providers of services for people who would otherwise be placed in the Minnesota Security Hospital and also to identify alternative locations for the Minnesota Security Hospital. \$200,000 of this appropriation is

APPROPRIATIONS

#

\$

available for the department of public welfare to do the minimum remodeling necessary in Shantz Hall to prevent over crowding of the Minnesota Security Hospital.

(g) Power plants

320,000

Planning shall consider and allow for the possibility that portions of the Faribault facility may be consolidated.

Sec. 11. [REVIEW OF BUILDING PLANS.] *Neither the commissioner of administration nor the commissioner of transportation shall prepare final plans and specifications for any construction or major remodeling authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.*

Sec. 12. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.] *Upon the awarding of final contracts for the completion of any project for construction or other permanent improvement authorized by this act, the commissioner of administration and the commissioner of transportation may transfer any unencumbered balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed, or to any other project enumerated in the section relating to the same agency or area in the omnibus appropriation act for building acquisition and betterment enacted at the same session of the legislature. The money transferred pursuant to this section is appropriated for the purposes for which transferred. Each commissioner shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.*

Sec. 13. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.] *The commissioner of administration shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration has consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.*

Sec. 14. [16.323] [METHODS OF ACQUISITION.] *Where*

money has been appropriated to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be pursuant to chapter 117.

Sec. 15. Minnesota Statutes 1976, Section 16A.11, Subdivision 1, is amended to read:

16A.11 [BUDGET SUBMITTED TO LEGISLATURE.] Subdivision 1. [WHEN TO BE SUBMITTED.] The governor shall, within three weeks after the first Monday in January in each odd-numbered year, submit the budget to the legislature. It shall include recommendations as to capital expenditure, *but these need not be submitted until April 15*. The budget shall include two parts.

Sec. 16. Minnesota Statutes, 1977 Supplement, Section 161.125, Subdivision 1, is amended to read:

161.125 [SOUND ABATEMENT ALONG HIGHWAYS.] Subdivision 1. The commissioner of transportation shall, in accordance with the department's program, implement sound abatement measures within or along the perimeter of any interstate or trunk highway within incorporated areas located within the metropolitan area or any municipality whenever the noise level attributable to vehicular traffic at the abutting residential property line is in excess of the federal noise standards. The commissioner shall utilize available federal matching funds ~~in available~~ for constructing and maintaining the ~~acoustical barriers~~ *sound abatement measures*.

Sec. 17. [ACOUSTICAL BARRIERS; MORATORIUM; STUDY.] Subdivision 1. *The commissioner of transportation shall not cause the construction of any additional acoustical barriers on or along already completed trunk or interstate highways except those acoustical barrier projects for which construction has been programmed by the commissioner as of March 1, 1978.*

Subd. 2. The commissioner of transportation shall evaluate all areas within the metropolitan area along the trunk highway and interstate system where state noise standards are exceeded, and shall report to the legislature by January 1, 1980, his recommendations concerning what type sound abatement measures should be implemented for each area. The report shall also summarize the information gathered from a study of all acoustical barriers constructed in this state and shall include the following: the effect of acoustical barriers on noise levels at abutting property lines; the effect of acoustical barriers on the value of abutting real property; the opinions of abutting property owners on the effectiveness and desirability of acoustical barriers; and the advantages and disadvantages of using measures other than acoustical barriers for sound abatement.

Sec. 18. [OLD GILLETTE HOSPITAL; DISPOSITION.] *The commissioner of administration may sell the state-owned property formerly known as the Gillette state hospital for crippled children in the manner which will realize the greatest return to the state. The sale, however, shall be made only after advertising the sale of*

the property and inviting sealed bids which shall be opened at the time specified and read aloud. The sale shall be made to the best bidder. The advertisement of the sale shall be made in local and national publications including but not limited to such publications as the Wall Street Journal and the New York Times. The state reserves the right to reject any and all bids.

Sec. 19. [REPEALER.] *Laws 1977, Chapter 454, Section 16 is repealed.*

Sec. 20. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Further strike the title and insert

"A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; postponing deadline for submission of capital budget; authorizing purchase and sale of public lands and buildings; limiting construction of acoustical barriers; appropriating money; amending Minnesota Statutes 1976, Section 16A.11, Subdivision 1; Minnesota Statutes, 1977 Supplement, Section 161.125, Subdivision 1; repealing Laws 1977, Chapter 454, Section 16."

And when so amended H. F. No. 2493 will be identical to S. F. No. 2370, and further recommends that H. F. No. 2493 be given its second reading and substituted for S. F. No. 2370, 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. 1921 be amended as follows:

Page 1, after line 8 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, line 22, delete "a majority" and insert "all"

Page 2, line 1, after "improvement" insert a comma

Renumber sections in sequence

Further, amend the title as follows:

Line 6, delete "Subdivision" and insert "Subdivisions 2 and"

And when so amended H. F. No. 1921 will be identical to S. F. No. 2025, and further recommends that H. F. No. 1921 be given

its second reading and substituted for S. F. No. 2025, 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. 2494 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. [PUBLIC LAND AND BUILDINGS; BUILDING FUND APPROPRIATIONS.] The sums set forth in the column designated "APPROPRIATIONS" are appropriated from the state building fund, or any other fund designated, to the state agencies indicated, to be expended for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, as more specifically described in the following sections of this act.

SUMMARY

Sec. 2. STATE-WIDE	\$13,000,000
Sec. 3. STATE PLANNING AGENCY	1,200,000
Sec. 4. CAPITOL COMPLEX	2,733,800
Sec. 5. NATURAL RESOURCES	647,980
Sec. 6. VETERANS HOME	984,100
Sec. 7. EDUCATION	9,140,026
Sec. 8. STATE UNIVERSITIES	10,243,100
Sec. 9. COMMUNITY COLLEGES	9,337,966
Sec. 10. UNIVERSITY OF MINNESOTA	55,139,280
Sec. 11. MINNESOTA HISTORICAL SOCIETY	3,717,944
Sec. 12. CORRECTIONS	2,148,118
Sec. 13. PUBLIC WELFARE	889,923
Sec. 14. STATE BUILDING ASSISTANCE	50,000
Sec. 15. STATE BUILDING ADMINISTRATION	150,000
Sec. 16. STATE BUILDING CONTINGENT	200,000
Sec. 17. BOND SALE EXPENSES	55,000
TOTAL—ALL FUNDS	\$109,637,237
General Fund	101,976
Building Fund	100,602,211
Vocational-Technical Building Fund	8,933,050

APPROPRIATIONS

\$

\$

Sec. 2. [STATE-WIDE.]

To the commissioner of administration
for the purposes specified in this section

13,000,000

- (a) Provide access for the handicapped 10,000,000

This appropriation shall not be expended until the commissioner of administration has developed a plan for how it will be spent, submitted the plan to the council for the handicapped for its recommendations, and submitted the plan and the recommendations of the council for the handicapped to the subcommittee on state departments of the senate and the division of state departments of the house of representatives and received their recommendations on the plan. Failure of either the council or the legislative bodies to make a recommendation promptly is deemed a negative recommendation.

- (b) Energy conservation 3,000,000

Sec. 3. [STATE PLANNING AGENCY.]

To the director of the state planning agency for local outdoor athletic court grants pursuant to section 4.36, subdivision 4

1,200,000

Sec. 4. [CAPITOL COMPLEX.]

To the commissioner of administration
for the purposes specified in this section

2,733,800

- (a) Coal power plant plans 300,000

- (b) Power plant chiller and extension of
piping systems 872,000

- (c) Acquire land and rehabilitate the
building at 1246 University avenue for
the bureau of criminal apprehension 1,050,000

This appropriation is added to the appropriation in Laws 1976, Chapter 348, Section 2, Subdivision 2.

- (d) Reforest and landscape capitol area 511,800

Areas landscaped shall include the following:

APPROPRIATIONS

\$

\$

Rice-University-Park-Sherburne block
 Park-University-Capitol-Sherburne block

Cass Gilbert Memorial Park

Arboretum

South mall

State office and DOT building areas

Sec. 5. [NATURAL RESOURCES.]

To the commissioner of administration
 for the purposes specified in this section 647,980

(a) Hibbing tanker base 251,780

(b) Construct and equip Bemidji regional
 shop and warehouse 252,000

(c) Construct and equip drill core li-
 brary at Hibbing mineral office 144,200

Sec. 6. [VETERANS HOME.]

To the commissioner of administration
 for the veterans home 984,100

(a) Replace boiler—state share 457,800

(b) Connect building 6 to new facility
 with walkway—state share 52,500

(c) Convert to new voltage system—
 state share 64,750

(d) Renovate utility tunnels—state share 118,650

(e) Construct sewer lift station—state
 share 22,650

(f) Construct and equip nursing care
 facility at the veterans home—state
 share 267,750

This appropriation is added to the appro-
 priation in Laws 1976, Chapter 348, Sec-
 tion 3, Subdivision 1.

Sec. 7. [EDUCATION.]

Subdivision 1. To the state board of
 education or the commissioner of admin-
 istration for the purposes more specifi-
 cally described in the following subdivi-
 sions of this section

9,140,026

Subd. 2. For post-secondary vocation-

APPROPRIATIONS

	\$	\$
al-technical construction in the school districts listed in this subdivision		8,933,050
(a) School District No. 697, Eveleth	529,600	
The total cost of the construction project shall not exceed \$974,000, whether paid from state, local, or federal funds.		
(b) School District No. 578, Pine City	500,000	
The total cost of the construction project shall not exceed \$1,000,000, whether paid from state, local, or federal funds.		
(c) School District No. 564, Thief River Falls	1,160,000	
This appropriation shall not be spent until School District No. 564 has submitted schematic plans to the chairman of the senate finance committee and the chairman of the house appropriations committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.		
(d) School District No. 181, Brainerd	925,000	
The total cost of the construction shall not exceed \$1,850,000, whether paid from state, local or federal funds.		
(e) School District No. 535, Rochester	1,250,000	
The total cost of the construction shall not exceed \$2,500,000, whether paid from state, local or federal funds.		
(f) School District No. 742, St. Cloud	1,110,000	
The total cost of the construction shall not exceed \$2,600,000, whether paid from state, local or federal funds.		
(g) School District No. 583, Pipestone	560,000	
The total cost of the construction project shall not exceed \$1,120,000, whether paid from state, local, or federal funds.		
(h) School District No. 819, Wadena	330,000	
The total cost of the construction shall not exceed \$660,000, whether paid from state, local or federal funds.		

APPROPRIATIONS

	\$	\$
(i) School District No. 916	980,050	
The total construction cost shall not exceed \$1,960,100, whether paid from state, local or federal funds.		
(j) School District No. 891, Canby	302,400	
The total construction cost shall not exceed \$604,800, whether paid from state, local or federal funds.		
(k) School District No. 206, Alexandria	250,000	
The total construction cost shall not exceed \$500,000, whether from state, local or federal funds.		
(l) School District No. 894, Granite Falls	36,000	
The total construction cost shall not exceed \$72,000, whether paid from state, local or federal funds.		
(m) School District No. 347, Willmar	1,000,000	
The total cost of the construction project shall not exceed \$2,000,000, whether paid from state, local, or federal funds.		
The appropriations in this subdivision are from the vocational-technical building fund.		
Subd. 3. Post-secondary vocational debt service aid		101,976
This appropriation is added to the appropriation for fiscal year 1979 in Laws 1977, Chapter 447, Article 5, Section 20, Subdivision 5.		
This appropriation is from the general fund.		
Subd. 4. To the commissioner of administration for a fire and life safety system at the Minnesota school for the deaf		105,000
Sec. 8. [STATE UNIVERSITIES.]		
Subdivision 1. To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section		10,243,100
Subd. 2. Bemidji Campus		4,279,000

APPROPRIATIONS

	\$	\$
(a) Remodeling of Deputy and Sanford Halls	3,679,000	
(b) Construct receiving/warehouse building	200,000	
(c) Installation of Automated Control System	400,000	
Subd. 3. Mankato Campus		4,057,100
(a) Completion of Highland Campus Consolidation	3,600,000	
(b) Retrofit Trafton Center	207,100	
(c) Power plant	250,000	
Subd. 4. Moorhead Campus		601,800
(a) Remodeling of Fine Arts Center	324,000	
(b) Rehabilitation of Windows, Installation of Elevator and Ramps—Lohmen Hall	150,000	
(c) Assessments	9,800	
(d) Power plant	118,000	
Subd. 5. St. Cloud Campus		1,053,200
(a) Hallenbeck Addition—Planning Funds	264,000	
(b) Construct Maintenance Building	550,000	
(c) Audio Visual Retrieval System	170,000	
(d) Assessments	69,200	
Subd. 6. Winona Campus—Land Acquisition		143,000
Subd. 7. Systemwide—O.S.H.A. Requirements		109,000
Sec. 9. [COMMUNITY COLLEGES.]		
To the commissioner of administration to plan, construct and equip facilities at the following community colleges		9,337,966
(a) Inver Hills	2,311,000	
(b) Metropolitan	3,454,250	
(c) Vermillion	585,000	
(d) Normandale	2,987,716	

APPROPRIATIONS

\$

\$

Sec. 10. [UNIVERSITY OF MINNESOTA.]

Subdivision 1. To the regents of the University of Minnesota for the purposes more specifically described in the following subdivisions of this section

55,139,280

Subd. 2. At the University of Minnesota Minneapolis Campus

21,765,061

(a) Preliminary Planning for Recycling East Bank Buildings

255,000

To study and prepare a report outlining the necessary remodeling and space reassignment resulting in the most effective use of existing east bank buildings. The balance remaining in Laws 1973, Chapter 778, Section 7, Subdivision 2 (1) is reappropriated for the purpose of determining additional space needs for the music program, beyond remodeling of Fraser hall, through remodeling of existing facilities or new construction.

(b) Civil/Mineral Engineering—Working Drawings

680,000

(c) Studio Arts remodeling

300,000

(d) Remodeling of Fraser and Folwell halls

5,900,000

(e) Remodeling of Cooke Hall and Norris Gymnasium

905,267

(f) Upgrade Utility Services and Remodel Chemistry Laboratories in Smith Hall

2,400,000

(g) Tennis courts enclosure—site work

156,708

(h) Theater Arts Equipment—Rarig Center

150,000

(i) Primary Electric System—Health Sciences

300,564

(j) Remodeling of Variety Club Heart Hospital, 4th floor ventilation

194,238

(k) Pollution control and Heating Plant Expansion

3,673,000

(l) Primary Electric System

556,810

APPROPRIATIONS

	\$	\$
(m) Water Distribution System	202,554	
(n) Sewer Separation	320,220	
(o) Media equipment—Rarig Center	770,700	
(p) Tree removal	100,000	
(q) Upgrade for Physically Handicapped, University-wide	2,000,000	
(r) O.S.H.A. Projects, University-wide	1,000,000	
(s) Energy Retrofit, University-wide	1,500,000	
(t) Energy Conservation, University-wide	400,000	
Subd. 3. At the University of Minnesota St. Paul Campus		23,209,823
(a) Vocational Education—Working Drawings	295,537	
(b) Completion of McNeal Hall Remodeling	170,000	
(c) Veterinary medicine—Phase II	19,160,880	
This appropriation is not available unless the university board of regents and the state of Wisconsin have signed a 30 year contract by June 1, 1978, pledging the state of Wisconsin to reimburse Minnesota for the full share of construction costs, totaling \$10,989,330, for 140 Wisconsin students each year. Additional costs associated with Wisconsin students shall be reimbursed in accordance with conditions contained in the contract document and the existing higher education coordinating board reciprocity agreement.		
(d) Maintenance and Central Storage Building	540,000	
(e) Expansion of Intramural Sports Facilities	300,000	
(f) Roadway project, parking and fencing	789,728	
(g) Remodeling agricultural engineering building	1,427,460	
(h) Improvement of Water Distribution	169,884	

APPROPRIATIONS

	\$	\$
(i) St. Anthony Storm Sewer Assessment	140,334	
(j) Plot land irrigation system	216,000	
Subd. 4. At the University of Minnesota Duluth Campus		1,111,515
(a) Preliminary Plans and working drawings for a Business and Economics Building	50,000	
(b) Remodeling of social sciences, home economics, humanities, and Alworth hall	218,292	
(c) Coal Gasifier Plant—State share	643,223	
(d) Water distribution system improvements	200,000	
Subd. 5. At the University of Minnesota Morris Campus		
Remodeling of Laboratory Facilities in Science Building		149,000
Subd. 6. At the University of Minnesota Crookston Campus		3,318,695
(a) Construct and equip Food Services Building	2,600,000	
(b) Physical Education Building and Outdoor Recreation areas—Working Drawings	142,763	
(c) Road and campus improvements	305,932	
(d) Heating Plant improvements	270,000	
Subd. 7. At the University of Minnesota Waseca Campus		2,868,243
(a) Construct and Equip Classroom Laboratory Building and addition to Special Purpose Laboratories	2,698,720	
(b) Heating Plant improvements	45,360	
(c) Construct and equip Greenhouse	55,163	
(d) Development of Outdoor Physical Education Facilities	69,000	
Subd. 8. At the University of Minnesota Rosemount experiment station		883,774
(a) Feed mixing and handling facility	817,095	

APPROPRIATIONS

	\$	\$
(b) Working drawings—Research laboratory	66,679	
Subd. 9. At the University of Minnesota Northwest Experiment Station at Crookston		159,340
(a) Auditorium remodeling	100,000	
(b) Field Lab building	59,340	
Subd. 10. At the University of Minnesota North Central Experiment Station at Grand Rapids		192,000
(a) Construct silo with unloader and bunk feeder	27,000	
(b) Construct and Equip Greenhouse	150,000	
The appropriation made by Laws 1976, Chapter 348, Section 6, Subdivision 7 is canceled.		
(c) Construct chemical storage facility	15,000	
Subd. 11. At the University of Minnesota West Central Experiment Station at Morris		70,484
(a) Construct Machinery Storage Building	55,484	
(b) Construct Chemical Storage Facility	15,000	
Subd. 12. At the University of Minnesota Southern Experiment Station at Waseca		187,743
(a) Construct Shop and Farm Operations Center	172,743	
(b) Construct Chemical Storage Facility	15,000	
Subd. 13. At the University of Minnesota Southwest experiment station at Lamberton		44,235
(a) Resurface roadway and parking lot	16,782	
(b) Research building addition	27,453	
Subd. 14. At the University of Minnesota Cloquet Forestry Center		55,599
(a) Cabin addition and remodeling	15,000	

APPROPRIATIONS

	\$	\$
(b) Polishing Pond for Sewage Treatment	30,240	
(c) Sewer lines	10,359	
Subd. 15. At the University of Minnesota Lake Itasca Forestry and Biological Station		78,848
(a) Construct and equip Resident Manager's House and Office	40,000	
(b) Dining Hall and Kitchen rehabilitation	38,848	
Subd. 16. At the University of Minnesota Cedar Creek Natural History Area		113,456
(a) Garage/storage/research building	70,986	
(b) Remodeling of Bio-Electronics Laboratory	42,470	
Subd. 17. At the University of Minnesota Horticultural Research Center—Excelsior		99,015
(a) Chain Link Fence	73,609	
(b) Construct Pesticides Storage Facility	25,406	
Subd. 18. At the University of Minnesota Landscape Arboretum—Chaska		291,449
(a) Machine shed expansion	37,303	
(b) Parking lot	32,400	
(c) Sewer Connection to Chanhasen's System	221,746	
Subd. 19. At the University of Minnesota Hormel Institute at Austin		
Construct and Equip Small Animal Holding Facility		541,000
Sec. 11. [MINNESOTA HISTORICAL SOCIETY.]		
Subdivision 1. To the Minnesota historical society for the purposes more specifically described in the following subdivisions of this section		3,717,944
Subd. 2. Construct Fort Snelling Visitor Center		2,977,944
(a) Building design and construction supervision	207,764	

APPROPRIATIONS

	\$	\$
(b) Special Excavation	234,350	
(c) General Construction	1,697,130	
(d) Mechanical/Electrical	464,200	
(e) Site work	163,500	
(f) Furnishings	211,000	

Project costs shown in this subdivision are estimates only.

Federal money received pursuant to the Great River Road project formula shall be deposited in the general fund as reimbursement for this state expenditure.

Subd. 3. Restore and repair Split Rock Lighthouse	190,000
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Subd. 4. Construct exhibits	150,000
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(a) Historical Building	100,000
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(b) Capitol Exhibits	50,000
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Capitol exhibits shall be displayed only after consultation with the secretary of the senate and the chief clerk of the house of representatives.

Project costs shown in this subdivision are estimates only.

Subd. 5. Acquire and restore James J. Hill house	400,000
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(a) Acquisition	250,000
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This appropriation shall be expended with the approval of the governor after consultation with the legislative advisory commission as provided in Minnesota Statutes, Section 3.30.

(b) Restoration, repairs, code compliance, furnishings, and the like	150,000
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Sec. 12. [CORRECTIONS.]

To the commissioner of administration for the purposes specified in this section	2,148,118
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(a) Renovation	1,097,518
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(b) Power plants	1,050,600
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Prior to the expenditure of the \$1,000,000 appropriated for the Minnesota state

APPROPRIATIONS

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prison for the power plant, the departments of administration and corrections shall submit to the chairman of the senate finance committee and the chairman of the house appropriations committee a plan for the expenditure of the appropriation.

Sec. 13. [PUBLIC WELFARE.]

To the commissioner of administration for air conditioning welfare institutions

889,923

It is in the public interest to proceed with expedience to implement appropriations for ward remodeling at the state hospitals. Therefore, state officers in charge of construction are authorized to retain designing architects and engineers currently working on similar projects at these hospitals without complying with the provisions of Minnesota Statutes 1976, Chapter 16, insofar as they relate to selection of architects and engineers.

Sec. 14. [STATE BUILDING ASSISTANCE.] To the commissioner of administration for the state building assistance account

50,000

This appropriation may be spent for the purpose of preparing preliminary plans or other documentation that may be required for assistance in obtaining non-state participation in state building programs.

Sec. 15. [STATE BUILDING ADMINISTRATION.] For administration of the state building program, including the employment of personnel

150,000

Sec. 16. [STATE BUILDING CONTINGENT.] To the commissioner of administration for the state building contingent account

200,000

This appropriation may be spent for plans, studies and surveys, and for alterations, betterments, construction, reconstruction, improvements, or rehabilitation of any state owned building or structure, if it appears to the commissioner that the expenditure is necessary

APPROPRIATIONS

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\$

in the public interest in order to avoid injury or damage to persons or property and money has not been otherwise appropriated for these purposes. The commissioner, however, shall not authorize any expenditures from the account until he has first consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and has received their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 17. [BOND SALE EXPENSES.]

To the commissioner of finance for bond sale expenses pursuant to Minnesota Statutes, Sections 16A.64, Subdivision 4; and 121.215, Subdivision 3

55,000

Sec. 18. [BOND SALE; DEBT SERVICE.] *Subdivision 1. To provide the money appropriated in this act from the state building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in the amount of \$100,605,000 in the manner and upon the terms prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67 and by the Constitution, Article XI, Sections 4 to 7.*

Subd. 2. To provide the money appropriated in this act from the vocational-technical building fund the commissioner of finance is authorized upon request of the state board of education to sell and issue vocational-technical building bonds of the state in the amount of \$8,935,000 in the manner and upon the terms prescribed in Minnesota Statutes, Section 121.215 and by the Constitution, Article XI, Sections 4 to 7. The proceeds of the bonds, except as provided in Minnesota Statutes, Section 121.215, Subdivision 5, are appropriated to the vocational-technical building fund for expenditure in accordance with this act.

Sec. 19. [CONSULTATION REQUIRED.] *No land shall be purchased and no buildings shall be purchased, constructed, or erected on lands of the university of Minnesota until the regents have first consulted with the chairman of the senate finance committee and the chairman of the house appropriations committee and obtained their recommendation, which shall be advisory only.*

Sec. 20. [REVIEW OF PLANS.] *Neither the commissioner of administration nor the board of regents of the university of Minnesota shall prepare final plans and specifications for any building authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of*

the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.

Sec. 21. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.] *Upon the awarding of final contracts for the completion of any project for construction or other permanent improvement authorized by this act, the commissioner as to appropriations made to him and the regents as to appropriations made to them may transfer any unencumbered balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed, or to any other project enumerated in the section relating to the same agency or area in the omnibus appropriation act for building repairs and rehabilitation enacted at the same session of the legislature. The money transferred pursuant to this section is appropriated for the purposes for which transferred. The commissioner of administration and the regents of the university of Minnesota shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.*

Sec. 22. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.] *The commissioner of administration and the board of regents of the university of Minnesota shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration and the board of regents have consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations thereon. The recommendations shall be advisory only. Failure or refusal to make a recommendation promptly shall be deemed a negative recommendation.*

Sec. 23. Minnesota Statutes, 1977 Supplement, Section 18.023 Subdivision 1, is amended to read:

18.023 [SHADE TREE DISEASE CONTROL.] Subdivision 1. [DEFINITIONS.] *As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.*

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any home rule charter or statutory city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area; or any special park district as organized under chapter 398; or any special purpose park and recreation board organized under

the city charter of a city of the first class located in the metropolitan area; or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers; and any municipality or county located outside the metropolitan area with an approved disease control program ; *or the university of Minnesota* .

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

(e) "Wood utilization or disposal system" means facilities, equipment or systems used for the removal and disposal of diseased shade trees, which includes the collection, transportation, processing or storage of wood and which aids in the recovery of materials or energy from wood.

(f) "Approved disease control program" means the municipal plan as approved by the commissioner to control shade tree disease.

(g) "Disease control area" means an area approved by the commissioner within which a municipality will conduct an approved disease control program.

(h) "Sanitation" means the identification, inspection, disruption of a common root system, girdling, trimming, removal and disposal of dead or diseased wood of elm or oak shade trees, including subsidies for trees removed pursuant to subdivision 4, on public or private property within a disease control area.

(i) "Reforestation" means the replacement of shade trees removed from public property as part of an approved disease control program. For purposes of this clause, "public property" shall include private property within five feet of the boulevard or street terrace in any city which has enacted an ordinance on or before January 1, 1977, that prohibits or requires a permit for the planting of trees in the public right of way.

Sec. 24. 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 , or the university of Minnesota .

(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. Reforestation grants to towns as described in subdivision 1 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 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.

(b) 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. 25. Minnesota Statutes 1976, Section 121.21, Subdivision 4a, is amended to read:

Subd. 4a. No district shall expend funds from any source for ~~construction of, additions to or expansion of facilities of the acquisition or betterment of lands or buildings or for capital improvements needed for an area vocational-technical school without the approval of the state board and authorization by specific legislative act if the construction, addition that acquisition, betterment or expansion capital improvement requires the expenditure of an amount equal to or greater than \$50,000, or requires the issuance of school district bonds. No acquisition or betterment of lands or buildings or capital improvement which requires the expenditure of an amount less than \$50,000 but equal to or greater than \$75 per pupil unit in average daily membership in the school or which changes the perimeter walls of an existing facility shall be carried out without the approval of the state board. No construction, addition acquisition or betterment of lands or buildings or expansion capital improvement which requires the expenditure of less than \$75 per pupil unit in average daily membership in the school and, which does not change a perimeter wall and which does not require the issuance of school district bonds, shall be carried out without the approval of the commissioner of education. As used in this subdivision, the terms "acquisition" and "betterment", as applied to lands and buildings, and "capital improvement" shall have the meanings ascribed to them in Minnesota Statutes, Chapter 475.~~

Sec. 26. Minnesota Statutes 1976, Section 121.214, Subdivision 1, is amended to read:

121.214 [VOCATIONAL-TECHNICAL BUILDING FUND.] Subdivision 1. [PURPOSE.] A vocational-technical building fund is created as a separate bookkeeping account in the general books of the state for the purpose of providing money appropriated to the state board of education for the acquisition and betterment of public land, buildings, and capital improvements needed for the area vocational-technical education program of the state, as established and annually revised in the state plan for the administration of vocational education, for which the state board of education is responsible under the provisions of sections 121.21, 123.351, 124.53 to 124.62, and other applicable laws.

Sec. 27. Minnesota Statutes 1976, Section 121.214, Subdivision 3, is amended to read:

Subd. 3. [DISBURSEMENTS.] Disbursements from the fund shall be made by the state treasurer upon the order of the commissioner of finance at the times and in the amounts requested by

the state board of education in accordance with the applicable appropriation acts, for grants to school districts for the acquisition and betterment of land, buildings, and capital improvements for area vocational-technical institutes ; . *These grants shall only be made upon the conditions and in accordance with all standards ; and criteria ; and priorities established in the state plan board rules and in the legislative act authorizing the specific acquisition, betterment or capital improvement .*

Sec. 28. Minnesota Statutes 1976, Section 121.214, is amended by adding a subdivision to read:

Subd. 4. The purpose of this subdivision is to change the method of funding post-secondary vocational facilities from post-secondary vocational debt service aid pursuant to section 124.564 to direct state appropriations from the vocational-technical building fund. Eighty-five percent of the cost of post-secondary vocational facilities authorized by specific legislative act after January 1, 1979 shall be financed through appropriations from the vocational-technical building fund and 15 percent of the cost of these facilities shall be financed by the school district operating the post-secondary vocational-technical school. A school district may finance its portion of the cost of these facilities by any lawful means, including but not limited to the use of cash reserves or the use of proceeds from the sale of bonds. No bonds shall be authorized, issued, or sold, nor shall any election be held to authorize the issuance of bonds, if the proceeds will be used to finance a project for which specific legislative approval is required, until after that specific legislative approval has been given.

Sec. 29. Minnesota Statutes 1976, Section 124.564, is amended to read:

124.564 [POST-SECONDARY VOCATIONAL DEBT SERVICE AID.] *Subdivision 1. The state board for vocational education shall provide, for credit against the debt service levy of qualifying districts, post-secondary vocational debt service aid equal to the state portion of debt service costs. The state portion of debt service costs shall equal the amount necessary to make payments due in each school year ending June 30 with respect to qualifying bonds issued to finance post-secondary vocational facilities and interest thereon, multiplied by the average of the district's non-resident reimbursement percentage pursuant to Minnesota Statutes 1974, Section 121.21, Subdivision 5, in fiscal years ended June 30, 1973, 1974, and 1975.*

For purposes of the computation of debt service aid, qualifying bonds shall include only:

(a) bonds issued prior to January 1, 1976;

(b) bonds issued after January 1, 1978, to finance post-secondary vocational facilities projects which receive funds appropriated in section 7 of this act; and

(c) bonds issued at any time to refund the bonds described in (a) and (b).

No district shall qualify for this post-secondary vocational debt service aid unless it has certified a levy in the total amount required by section 475.61, for collection in the calendar year in which the aid credit is to be given.

Subd. 2. There shall be no post-secondary vocational debt service aid for the state portion of debt service costs for bonds issued on or after January 1, 1978 to finance post-secondary vocational facilities and interest thereon, unless these bonds are issued to finance post-secondary vocational facilities projects which receive funds appropriated in section 7 of this act.

Subd. 3. Post-secondary vocational debt service aid shall be computed each year before October 1 ; commencing October 1, 1976, by the state board for vocational education with reference to each school district bond issue financing post-secondary vocational facilities as a the percentage specified in subdivision 1 of the sum of the bonds principal and interest to on qualifying bonds which will become due in the school year commencing on the following July 1.

Subd. 4. The amount for each school district shall be certified by the board on or before October 1 to the school district, and to the county auditors of all counties containing taxable property within the school district, and to the state commissioner of finance. This amount shall be deducted by the county auditors from the amount of the debt service levies of the school district to be assessed and extended against the taxable property therein for collection in the following year, and shall be payable instead from the appropriation made by this section.

Subd. 5. The commissioner of finance shall issue to the state treasurer warrants for payment of one-half of the amount to the treasurer of the school district on or before July 15 and one-half thereof on or before November 15 in the following year, in lieu of the distributions of this amount otherwise payable by county treasurers at these times under the provisions of section 276.11.

Subd. 6. The amount of \$7,500,000 necessary is annually appropriated from the general fund to the respective districts entitled to these payments, for expenditure in fiscal years beginning with fiscal year 1978. This appropriation shall not lapse until and unless otherwise provided by law, but shall be reduced by the amount of any funds specifically appropriated for the same purpose in any year from any state fund. In the event that the appropriation is revoked in any future year, the state board for vocational education shall certify this fact to each school district theretofore entitled to an aid credit under this subdivision.

Subd. 7. The appropriation heretofore made for post-secondary vocational debt service aid payable in the school year ending June 30, 1977, is confirmed, and the board shall continue to provide for the payment of debt service aids therefrom at or before the due dates of school district bonds and interest in that school year. In addition, the state board for vocational education shall pay to districts which expended cash balances to finance the construction of new post-secondary vocational facilities and which the state

board prior to May 15, 1975 agreed to repay for these expenditures the amount of the repayment specified in the agreement. Funds received in repayment shall revert to the fund of origin in the district.

Sec. 30. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Further strike the title and insert

"A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state building bonds; authorizing university of Minnesota to participate in shade tree disease control program; limiting capital improvements at vocational-technical schools; appropriating money; amending Minnesota Statutes 1976, Sections 121.21, Subdivision 4a; 121.214, Subdivisions 1, 3, and 4; 124.564; and Minnesota Statutes, 1977 Supplement, Section 18.023, Subdivisions 1 and 3a."

And when so amended H. F. No. 2494 will be identical to S. F. No. 2371, and further recommends that H. F. No. 2494 be given its second reading and substituted for S. F. No. 2371, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 2275, 1839, 1726, 1026, 1478, 1722, 1404, 1961, 2033, 2272 and 1781 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. 2068, 1797, 2159, 1870, 2051, 2298, 2494, 2493, 1921 and 838 were read the second time.

H. F. Nos. 1447, 2081, 1604 and 1967 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Luther moved that the name of Mr. Kirchner be added as co-author to S. F. No. 2393. The motion prevailed.

Mr. Wegener moved that H. F. No. 1884 be withdrawn from the Committee on Transportation and re-referred to the Committee on Judiciary. The motion prevailed.

Mr. Knoll introduced Senate Resolution No. 29: A Senate resolution congratulating the Washburn High School basketball team

on winning the Minneapolis Conference and Twin Cities Championships and Class AA third place in the State High School Basketball Tournament.

Referred to the Committee on Rules and Administration.

Mr. Nelson moved that H. F. No. 405 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 405

A bill for an act relating to gambling; authorizing the operation of certain gambling devices by licensed organizations; providing a penalty; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; 340.14, Subdivision 2; 609.75; 609.76; Chapters 349, by adding a section; and 609, by adding a section.

March 1, 1978

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

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 405, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 405 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 325.54, Subdivision 1, is amended to read:

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

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

Subd. 2. [RESTRICTIONS.] Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or operation of, on the licensed premises, or in any room adjoining the licensed premises, any slot machine, dice, or any gambling device or apparatus, nor permit any gambling therein, nor permit the licensed premises or any room in the same, or in any adjoining building, directly or

indirectly under its control to be used as a resort for prostitutes or other disorderly persons, except that gambling devices may be kept or operated and raffles conducted on licensed premises and adjoining rooms when such activities are licensed by the local unit of government pursuant to section 3. No person under 18 years of age shall be employed in any rooms constituting the place in which intoxicating liquors are sold at retail "on-sale", except that persons under 18 years of age may be employed as musicians or to perform the duties of a busboy or dishwashing services in places defined as a restaurant or hotel or motel serving food in rooms in which intoxicating liquors are sold at retail "on-sale".

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

[349.26] [GAMBLING DEVICES.] *Subdivision 1. For the purposes of this section the terms defined in this section have the meanings given them.*

Subd. 2. "Gambling devices" mean those gambling devices known as "paddlewheels" or "tipboards", or apparatus used in conducting raffles.

Subd. 3. "Paddlewheel" means a wheel marked off into sections containing one or more numbers, and which, after being turned or spun, uses a pointer or marker to indicate winning chances.

Subd. 4. "Tipboard" means a board, placard or other device measuring at least 12 inches square, marked off in a grid or similar pattern, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances.

Subd. 5. "Raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing.

Subd. 6. "Profit" means the gross receipts from the operation of gambling devices and the conduct of raffles, less reasonable sums expended for prizes, local licensing fees, taxes and maintenance costs for the devices.

Subd. 7. Nothing in this section shall be construed to authorize any use, possession or operation of:

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

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

Subd. 8. Any county or city may establish a system for the licensing of organizations to operate gambling devices and to conduct raffles. The system may include a fee for each license in an amount to be determined by the local governing body. Licenses issued pursuant to this section shall be valid for one year, and may be suspended or revoked for any violation of this section. A local governing body shall act on a license application within 180

days from the date of application, but shall not issue a license until at least 30 days after the date of the application. Nothing in this section shall be construed to prohibit a county or city from adopting rules or ordinances for the operation of gambling devices or the conduct of raffles that are more restrictive than state law, including rules or ordinances prohibiting the operation of such devices.

Subd. 9. Licenses shall be issued only to a fraternal, religious, veterans or other nonprofit organization covered by section 290.05, subdivision 1, clause (i) or (k), which organization has been in existence for at least three years and has at least 30 active members, as defined in section 349.12, subdivision 2.

Subd. 10. Profits from the operation of gambling devices or the conduct of raffles shall be used solely for lawful purposes as defined in section 349.12, subdivision 6, and as authorized at a regular meeting of the organization.

Subd. 11. All operation of gambling devices and the conduct of raffles shall be under the supervision of a single gambling manager designated by the organization. The gambling manager shall be responsible for gross receipts and profits from gambling devices and raffles and for their operation. The gambling manager shall give a fidelity bond in the sum of \$10,000 in favor of the organization conditioned on the faithful performance of his duties, and the bond and the waiver thereof shall be subject to the same provisions as those applying to the bond required of a bingo manager pursuant to section 349.17, subdivision 7. A person may act as both gambling manager and bingo manager for a single organization, but a gambling manager for a single organization shall not act as either a gambling manager or bingo manager for any other organization. A gambling manager for an organization shall be an active member of the organization, as defined in section 349.12, subdivision 2.

Subd. 12. No compensation shall be paid to any person in connection with the operation of a gambling device or the conduct of a raffle by a licensed organization. No person who is not an active member of an organization, or its auxiliary, or the spouse or surviving spouse of an active member may participate in the organization's operation of a gambling device or conduct of a raffle.

Subd. 13. Each organization licensed to operate gambling devices shall keep records of its gross receipts, expenses and profits for each single gathering or occasion at which gambling devices are operated or a raffle is conducted. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of profits shall be itemized as to payee, purpose, amount and date of payment.

Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the organization, including bingo gross receipts, and placed in a sepa-

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

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

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

Subd. 14. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases except that tickets for raffles conducted in accordance with this section may be sold off the premises. Leases, unless authorized in another location by the local unit of government, shall be for a period of not less than one year and shall be in writing. No lease shall provide that rental payments be based on a percentage of receipts or profits from gambling devices or raffles. Copies of all leases shall be provided to the licensing local unit of government.

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

Subd. 16. Violation of any provision of this section is a misdemeanor. This subdivision shall not preclude civil or criminal action under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of this section.

Sec. 4. Minnesota Statutes, 1976, Section 609.75, Subdivision 1, is amended to read:

609.75 [GAMBLING; DEFINITIONS.] Subdivision 1. [LOTTERY.] A lottery is a plan designed for or resulting in any private pecuniary gain to the sponsors or their agents, and which provides for the distribution of money, property or other reward or benefit to persons selected by chance from among participants some or all of whom have given a consideration for the chance of being selected. Acts in this state in furtherance of a lottery conducted outside of this state are included notwithstanding its validity where conducted.

Sec. 5. Minnesota Statutes 1976, Section 609.75, Subdivision 3, is amended to read:

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

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.761] [OPERATION PERMITTED.] *Notwithstanding sections 609.755 and 609.76, a fraternal, religious, veterans or other nonprofit organization may set up or operate a gambling device or conduct a raffle as defined in section 3, if licensed by the local unit of government and conducted pursuant to section 3, and a person may manufacture, sell or offer for sale a gambling device to the organization."*

Further, amend the title as follows:

Page 1, line 6, after "609.75" insert ", Subdivisions 1 and 3"

Page 1, line 7, delete "609.76;"

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

House Conferees: (Signed) Leo J. Reding, Robert C. Jensen, Stanley J. Fudro

Senate Conferees: (Signed) Tom A. Nelson, Jack I. Kleinbaum, Edward J. Gearty

Mr. Nelson moved that the foregoing recommendations and Conference Committee Report on H. F. No. 405 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 405: A bill for an act relating to gambling; authorizing the operation of certain gambling devices by licensed organizations;

providing a penalty; amending Minnesota Statutes 1976, Sections 325.54, Subdivision 1; 340.14, Subdivision 2; 609.75, Subdivisions 1 and 3; Chapters 349, by adding a section; and 609, by adding a section.

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

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

The roll was called, and there were yeas 40 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Lessard	Penny	Spear
Bang	Humphrey	Luther	Peterson	Staples
Benedict	Johnson	McCutcheon	Purfeerst	Stokowski
Chenoweth	Keefe, S.	Moe	Schmitz	Stumpf
Coleman	Kleinbaum	Nelson	Schrom	Ueland, A.
Engler	Knaak	Nichols	Setzepfandt	Vega
Frederick	Knoll	Ogdahl	Sikorski	Wegener
Gearty	Laufenburger	Olson	Solon	Willet

Those who voted in the negative were:

Bernhagen	Dunn	Kirchner	Merriam	Sieloff
Davies	Gunderson	Knutson	Olhoft	Strand
Dieterich	Jensen	Menning	Pillsbury	Tennesen

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Hughes moved that S. F. No. 2378 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Mr. Hughes moved that S. F. No. 2366 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Mr. Olson moved that the report from the Committee on General Legislation and Veterans Affairs, reported March 7, 1978, pertaining to appointments, be taken from the table. The motion prevailed.

Mr. Olson moved that the foregoing report be now adopted. The motion prevailed.

CONFIRMATION

Mr. Olson moved that in accordance with the report from the Committee on General Legislation and Veterans Affairs, reported March 7, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF THE ARTS

Alvina O'Brien, 480 Grand Hill, St. Paul, Ramsey County, ef-

fective January 2, 1978, for a term expiring the first Monday in January, 1982.

The motion prevailed. So the appointment was confirmed.

SUSPENSION OF RULES

Mr. Coleman moved to take up the Consent Calendar and waive the lie-over requirement. The motion prevailed.

CONSENT CALENDAR

S. F. No. 1702: A bill for an act relating to education; school district pairing; permitting experimental pairing for certain Independent School Districts; amending Minnesota Statutes, 1977 Supplement, Section 122.85, 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Spear
Ashbach	Gearty	Laufenburger	Penny	Staples
Bang	Gunderson	Lessard	Peterson	Stokowski
Benedict	Hughes	Luther	Pillsbury	Strand
Bernhagen	Humphrey	McCutcheon	Purfeerst	Stumpf
Borden	Johnson	Menning	Renneke	Tennesen
Chenoweth	Keefe, J.	Merriam	Schmitz	Ueland, A.
Chmielewski	Keefe, S.	Moe	Schrom	Ulland, J.
Coleman	Kirchner	Nelson	Setzepfandt	Vega
Davies	Kleinbaum	Nichols	Sieloff	Willet
Dunn	Knaak	Ogdahl	Sikorski	
Engler	Knoll	Olhoft	Solon	

So the bill passed and its title was agreed to.

S. F. No. 2183: A bill for an act relating to the administration of justice; providing for compensation of assistant public defenders; amending Minnesota Statutes 1976, Section 611.24.

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Gunderson	Kirchner	McCutcheon
Ashbach	Coleman	Hughes	Kleinbaum	Menning
Bang	Davies	Humphrey	Knaak	Merriam
Benedict	Dunn	Jensen	Knutson	Moe
Bernhagen	Engler	Johnson	Laufenburger	Nelson
Borden	Frederick	Keefe, J.	Lessard	Nichols
Chenoweth	Gearty	Keefe, S.	Luther	Ogdahl

Olhoff	Purfeerst	Setzepfandt	Staples	Ueland, A.
Olson	Renneke	Sieloff	Stokowski	Ulland, J.
Penny	Schaaf	Sikorski	Strand	Vega
Peterson	Schmitz	Solon	Stumpf	Wegener
Pillsbury	Schrom	Spear	Tennessen	Willet

So the bill passed and its title was agreed to.

H. F. No. 2283: A bill for an act relating to the division of highway patrol; concerning salaries; increasing the salary of a corporal, amending Minnesota Statutes, 1977 Supplement, Section 299D.03, 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1834: A bill for an act relating to labor; increasing fees for boiler inspection and engineers' licenses; amending Minnesota Statutes 1976, Sections 183.545, Subdivisions 1, 2, 3, and 4; and 183.57, 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 46 and nays 10, as follows:

Those who voted in the affirmative were:

Bang	Jensen	Lessard	Penny	Strand
Benedict	Johnson	Lewis	Peterson	Stumpf
Chenoweth	Keefe, J.	Luther	Pillsbury	Tennessen
Chmielewski	Keefe, S.	McCutcheon	Schaaf	Ueland, A.
Coleman	Kirchner	Merriam	Sieloff	Wegener
Davies	Kleinbaum	Moe	Sikorski	Willet
Engler	Knaak	Nelson	Solon	
Gearty	Knoll	Nichols	Spear	
Gunderson	Knutson	Olhoff	Staples	
Hughes	Laufenburger	Olson	Stokowski	

Those who voted in the negative were:

Ashbach
BernhagenDunn
MenningOgdahl
RennekeSchmitz
SchromSetzepfandt
Ulland, J.

So the bill passed and its title was agreed to.

S. F. No. 1636: A bill for an act relating to education; allowing Independent School District No. 710 to transfer a surplus amount from its debt service fund to its capital expenditure fund.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 935: A bill for an act relating to counties; powers of the boards of county commissioners; including the board of county commissioners of Ramsey County among those county boards that may set expense allowances for members of certain boards and agencies; amending Minnesota Statutes 1976, Section 375.47, 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1793: A bill for an act relating to Ramsey county; authorizing the county to issue general obligation bonds for the costs of construction of a county nursing home; amending Laws 1974, Chapter 435, 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 54 and nays 4, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Kleinbaum	Nichols	Solon
Bang	Frederick	Knaak	Ogdahl	Spear
Benedict	Gearly	Knoll	Olhoff	Staples
Bernhagen	Gunderson	Laufenburger	Olson	Stokowski
Borden	Hughes	Lessard	Penny	Strand
Chenoweth	Humphrey	Lewis	Pillsbury	Stumpf
Chmielewski	Jensen	Luther	Schmitz	Ueland, A.
Coleman	Johnson	McCutcheon	Schrom	Ulland, J.
Davies	Keefe, J.	Menning	Setzepfandt	Vega
Dieterich	Keefe, S.	Moe	Sieloff	Willet
Dunn	Kirchner	Nelson	Sikorski	

Messers Knutson, Merriam, Peterson and Tennessen voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 9:00 a. m., Thursday, March 9, 1978. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate