

NINETIETH DAY

St. Paul, Minnesota, Monday, March 13, 1978

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

CALL OF THE SENATE

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

Ashbach	Gearty	Lewis	Peterson	Strand
Bang	Gunderson	Luther	Pillsbury	Stumpf
Benedict	Hanson	McCutcheon	Purfeerst	Tennessee
Borden	Johnson	Menning	Schmitz	Ulland, J.
Brataas	Keefe, S.	Merriam	Schrom	Vega
Chenoweth	Kirchner	Nelson	Setzepfandt	Wegener
Chmielewski	Kleinbaum	Nichols	Sieloff	Willet
Coleman	Knoll	Ogdahl	Sikorski	
Davies	Knutson	Olhoff	Spear	
Dieterich	Laufenburger	Olson	Staples	
Engler	Lessard	Penny	Stokowski	

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

Prayer was offered by the Chaplain, Rev. Richard Nelson.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Anderson, Dunn, Hughes, Perpich and Sillers were

excused from the Session of today. Mr. Moe was excused from the Session of today until 11:00 o'clock a.m. Mr. Sikorski was excused from the Session of today at 10:45 o'clock a.m.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Messrs. Bernhagen, Olhoft, Gearty, Schmitz and Renneke introduced—

S. F. No. 2405: A bill for an act relating to education; curriculum; requiring presentation of certain theories of origin in public schools.

Referred to the Committee on Education.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1693: A bill for an act relating to the national guard; increasing the pay for enlisted persons on active duty; amending Minnesota Statutes 1976, Section 192.51.

Senate File No. 1693 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 1978

Mr. Schmitz moved that S. F. No. 1693 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1943: A bill for an act relating to forests; regulating the maintenance of fires therein; amending Minnesota Statutes 1976, Sections 88.01, by adding a subdivision; 88.10; 88.16; 88.17; 88.22; 88.73; 88.75, Subdivision 1; 88.76; 88.77; and 88.78.

Senate File No. 1943 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 11, 1978

Mr. Luther moved that S. F. No. 1943 be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S. F. No. 2342: A bill for an act relating to Olmsted county; authorizing the board of county commissioners to finance an addition to and to renovate the Olmsted county hospital.

Senate File No. 2342 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 11, 1978

CONCURRENCE AND REPASSAGE

Mrs. Brataas moved that the Senate concur in the amendments by the House to S. F. No. 2342 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2342 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 0, as follows:

Ashbach	Gunderson	Lewis	Pillsbury	Strand
Bang	Hanson	Luther	Purfeerst	Stumpf
Benedict	Johnson	Menning	Schmitz	Tennessen
Brataas	Keefe, J.	Merriam	Schrom	Ulland, J.
Chenoweth	Keefe, S.	Nelson	Setzepfandt	Vega
Chmielewski	Kirchner	Nichols	Sieloff	Wegener
Coleman	Kleinbaum	Ogdahl	Sikorski	Willet
Davies	Knoll	Olhoff	Solon	
Dieterich	Knutson	Olson	Spear	
Engler	Laufenburger	Penny	Staples	
Gearty	Lessard	Peterson	Stokowski	

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

REPORTS OF COMMITTEES

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

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

H. F. No. 1009: A bill for an act relating to economic development; changing certain requirements for loan eligibility through the Minnesota area redevelopment administration; amending Minnesota Statutes 1976, Section 472.11, by adding subdivisions.

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

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

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.

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

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

H. F. No. 515: A bill for an act relating to telephone companies; prohibiting charges for directory assistance; amending Minnesota Statutes 1976, Chapter 237, by adding a section.

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

Page 1, strike lines 8 to 13

Re-number the remaining section

Page 1, line 21, after "*assistance*" insert "*for less than six calls per month or for any numbers which are outside the toll free area, which are to be included in the regular monthly service charge*"

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

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

H. F. No. 649: A bill for an act relating to intoxicating liquor; authorizing certain counties to issue off-sale liquor licenses in unorganized areas of the county; amending Minnesota Statutes 1976, Section 340.11, by adding a subdivision.

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

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1976, Section 340.034, is amended by adding a subdivision to read:

Subd. 4. Notwithstanding the provisions of this section, non-intoxicating malt liquor may be sold on the day of any statewide election if sales are authorized by the governing body of the municipality."

Page 1, after line 23, insert:

"Sec. 3. Minnesota Statutes 1976, Section 340.14, is amended by adding a subdivision to read:

Subd. 6. Notwithstanding the provisions of this section, intoxi-

cating liquor may be sold on the day of any statewide election if sales are authorized by the governing body of the municipality."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing for a local option on sales on statewide election days;"

Page 1, line 5, strike "Section" and insert "Sections 340.034, by adding a subdivision;"

Page 1, line 6, after "subdivision" insert "; and 340.14, by adding a subdivision"

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

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

H. F. No. 1707: A bill for an act relating to automobile insurance; authorizing exclusion of certain high risk drivers from household coverages; requiring exclusion of such drivers from premium calculations under certain circumstances; prescribing penalties; amending Minnesota Statutes 1976, Chapter 65B, by adding a section.

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

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 65B.44, Subdivision 1, is amended to read:

65B.44 [BASIC ECONOMIC LOSS BENEFITS.] Subdivision 1. [INCLUSIONS.] Basic economic loss benefits shall provide reimbursement for all loss suffered through injury arising out of the maintenance or use of a motor vehicle, subject to any applicable deductibles, exclusions, disqualifications, and other conditions, and shall provide a maximum of ~~\$30,000~~ \$60,000 for loss arising out of the injury of any one person, consisting of:

(a) ~~\$20,000~~ \$40,000 for medical expense loss arising out of injury to any one person; and

(b) A total of ~~\$10,000~~ \$20,000 for income loss, replacement services loss, funeral expense loss, survivor's economic loss, and survivor's replacement services loss arising out of the injury to any one person.

Sec. 2. Minnesota Statutes 1976, Section 65B.47, is amended by adding a subdivision to read:

Subd. 7. If two or more insurance policies covering basic economic loss benefits are in force, the amount of recovery shall not exceed the amount which could be recovered in basic economic

loss benefits under one policy. The existence of two or more insurance policies covering basic economic loss benefits shall not increase the amount of recovery for basic economic loss benefits beyond that provided by one insurance policy.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 65B.53, Subdivision 1, is amended to read:

65B.53 [INDEMNITY; ARBITRATION BETWEEN OBLIGORS; SUBROGATION.] Subdivision 1. A reparation obligor paying or obligated to pay basic or optional economic loss benefits is entitled to indemnity subject to the limits of the applicable residual liability coverage from a reparation obligor providing residual liability coverage on a commercial vehicle of *more than 5,000 pounds gross weight* if negligence in the operation, maintenance or use of the commercial vehicle was the direct and proximate cause of the injury for which the basic economic loss benefits were paid or payable to the extent that the insured would have been liable for damages but for the deduction provisions of section 65B.51, subdivision 1.

Sec. 4. Minnesota Statutes 1976, Section 65B.61, is amended to read:

65B.61 [BENEFITS PRIMARY; SUBTRACTIONS; COORDINATION.] Subdivision 1. Basic economic loss benefits shall be primary with respect to benefits, except for those paid or payable under a workers compensation law , *medicare or medical assistance* , which any person receives or is entitled to receive from any other source as a result of injury arising out of the maintenance or use of a motor vehicle.

Subd. 2. Benefits paid or payable under a workers compensation law , *medicare or medical assistance* because of the injury or death shall be subtracted in computing basic economic loss benefits, but only to the extent that they exceed any deductible applicable to the basic economic loss benefits.

Subd. 3. Any legally constituted entity, other than a reparation obligor obligated to pay benefits under a plan of reparation security or an insurer or employer obligated to pay benefits under a workers compensation law , *medicare or medical assistance* , may coordinate any benefits it is obligated to pay for loss incurred as a result of injury arising out of the maintenance or use of a motor vehicle with basic economic loss benefits.

Subd. 4. Notwithstanding subdivision 3, no entity may coordinate benefits unless it provides those persons who purchase benefits from it with an equitable reduction or savings in the direct or indirect cost of the purchased benefits. If the benefits to be coordinated are provided to an individual through a group, program, contract or other arrangement for which another person pays in whole or in part, the entity coordinating benefits shall return to the individual or use for his benefit any reduction or savings in the direct or indirect cost of the benefits.

Sec. 5. Minnesota Statutes 1976, Section 65B.67, is amended to read:

65B.67 [PENALTIES FOR FAILURE TO PROVIDE SECURITY FOR BASIC REPARATION BENEFITS.] Subdivision 1. Every owner of a motor vehicle or *motorcycle* for which security has not been provided as required by section 65B.48, shall not by the provisions of this chapter be relieved of tort liability arising out of the operation, ownership, maintenance or use of the motor vehicle or *motorcycle*.

Subd. 2. Any owner of a motor vehicle or *motorcycle* with respect to which security is required under Laws 1974, Chapter 403 sections 65B.41 to 65B.71, who operates ~~such the~~ motor vehicle or *motorcycle* or permits it to be operated upon a public highway, street or road in this state and who knows or ~~who~~ has reason to know that the *motor vehicle or motorcycle* does not have security complying with the terms of section 65B.48, is guilty of a misdemeanor.

Subd. 3. Any other person who operates ~~such a~~ motor vehicle or *motorcycle* upon a public highway, street or road in this state with knowledge that the owner does not have ~~such~~ security complying with the terms of section 65B.48 in full force and effect is guilty of a misdemeanor.

Subd. 4. Any operator of a motor vehicle or *motorcycle* who is convicted of a misdemeanor under the terms of this section shall have his operator's license revoked for not more than 12 months. If ~~such the~~ operator is also an owner of the motor vehicle or *motorcycle*, ~~his motor vehicle~~ the registration of the motor vehicle or *motorcycle* shall also be revoked for not more than 12 months. Before reinstatement of an operator's license or registration, the operator shall file with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in this state stating that security has been provided by the operator as required by section 65B.48.

Subd. 4a. The commissioner of public safety may revoke the registration of any motor vehicle or *motorcycle* without preliminary hearing upon a showing by department records or other sufficient evidence that security required by section 65B.48 has not been provided and maintained. Before reinstatement of a ~~vehiele~~ the registration, there shall be filed with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in the state stating that security has been provided as required by section 65B.48. The commissioner of public safety may require the certificate of insurance provided to satisfy this subdivision to be certified by the insurance carrier to be noncancelable for a period not to exceed one year.

Subd. 5. When a nonresident's operating privilege is suspended pursuant to this section, the commissioner of public safety or his designee shall transmit a copy of the record of ~~such the~~ action to the official in charge of the issuance of licenses in the state in which the nonresident resides.

Subd. 6. Upon receipt of ~~such~~ notification that the operating privilege of a resident of this state has been suspended or revoked

in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle or motorcycle accident, or for failure to provide security covering a motor vehicle or motorcycle if required by the laws of that state, the commissioner of public safety shall suspend the operator's license of the resident until he furnishes evidence of compliance with the laws of this state and if applicable the laws of the other state.

Sec. 6. Minnesota Statutes 1976, Chapter 65B, is amended by adding a section to read:

[65B.471] [PRIORITY OF COVERAGE ON HIGH RISK DRIVERS.] *Notwithstanding the provisions of section 65B.47, upon request by the owner of a motor vehicle and only with respect to injury suffered in an accident occurring while the vehicle is operated by a named high risk driver, an insurer may specify that the basic economic loss and residual liability coverages on the vehicle are secondary to the coverages made available under any other policy or policies of motor vehicle insurance under which the high risk driver is a named insured.*"

Further, amend the title as follows:

Page 1, line 2, after the semicolon insert "changing basic economic loss benefits; prohibiting dual recovery of basic economic loss benefits; placing a weight limitation on commercial vehicles; providing for coordination of benefits; requiring security for motorcycles"

Page 1, line 4, strike "requiring exclusion of such"

Page 1, strike line 5

Page 1, line 6, strike "circumstances; prescribing penalties"

Page 1, line 7, before "Chapter" insert "Sections 65B.44, Subdivision 1; 65B.47, by adding a subdivision; 65B.61; 65B.67;"

Page 1, line 8, after "section" insert "; and Minnesota Statutes, 1977 Supplement, Section 65.53, Subdivision 1"

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

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

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

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

Strike the Judiciary Committee amendments adopted by the Senate May 10, 1977 and amend H. F. No. 316 as follows:

Page 1, line 15, strike "such" and insert "the"

Page 1, line 15, strike "The" and insert "An action to recover damages for a death caused by the alleged professional negligence of a physician, surgeon, dentist, hospital or sanatorium, or an employee of a physician, surgeon, dentist, hospital or sanatorium shall be commenced within the time set forth in section 541.07, subdivision 1. Any other action under this section"

Page 1, line 16, strike "action"

Page 1, line 19, strike the first "such" and insert "the"

Page 1, line 19, strike "such an" and insert "the"

Page 1, line 19, strike "as"

Page 1, line 21, strike "such" and insert "the"

Page 2, lines 7 and 13, strike "such" and insert "the"

Page 2, line 9, strike "such"

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. 2373: A bill for an act relating to courts; permitting referees in certain courts; repealing Minnesota Statutes, 1977 Supplement, Section 484.70.

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 484.545, Subdivision 1, is amended to read:

484.545 [LAW CLERKS.] Subdivision 1. The district judges regularly assigned to hold court in each judicial district except for the second and fourth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for every ~~three~~ *two* district court judges and ~~additional fraction of three~~ judges of the judicial district.

Sec. 2. Minnesota Statutes, 1977 Supplement, Section 484.70, is amended to read:

484.70 [REFEREE POSITIONS ABOLISHED.] Subdivision 1. Notwithstanding any other provision of law, the position of referee in the county municipal and district courts of the state is hereby abolished, *except that persons holding the office of referee full time on June 2, 1977, in the second, fourth and sixth judicial districts may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3.*

Subd. 2. Except for an initial hearing on the matter, no family court referee may hear any proceeding for civil contempt which is contested or any final trial involving a contested case if either party or his attorney objects in writing to the assignment of a referee to hear the matter. The court may, by rule, specify the time within which the objection must be filed.

Subd. 3. No juvenile court referee may hear a contested trial, or a disposition in which an order for confinement may be made, or any motion made pursuant to section 260.125.

Sec. 3. Minnesota Statutes, 1977 Supplement, Section 487.08, is amended to read:

487.08 [JUDICIAL OFFICERS; OFFICE ABOLISHED.] *Subdivision 1. The office of judicial officer is abolished.*

Subd. 2. Persons holding the office of judicial officer full time on January 1, 1978, in St. Louis and Steele counties may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. One additional full time judicial officer may be appointed in St. Louis county; and one full time judicial officer may be appointed in Carlton county.

Subd. 3. The person holding the office of judicial officer in Nobles and Rock counties on January 1, 1978 may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of his appointment.

Subd. 4. The person holding the office of judicial officer in Beltrami county on January 1, 1978 may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of his appointment until December 31, 1981, or until a judge learned in the law assumes office in the Clearwater county court, whichever occurs sooner.

Subd. 5. All judicial officers are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3.

Sec. 4. Minnesota Statutes 1976, Section 508.13, is amended to read:

508.13 [REFERENCES TO EXAMINERS; POWERS; REPORTS.] Immediately after the filing of the abstract of title, the court shall enter an order referring the application to an examiner of titles, who shall proceed to examine into the title of the land described in the application, and into the truth of all matters set forth therein. He shall ascertain whether or not the land is occupied, and, if occupied, he shall ascertain the nature thereof, and by what right the occupation is held. He shall also ascertain whether or not any judgments exist which may be a lien upon the land. He shall search all public records, and fully investigate all facts pertaining to the title which may be brought to his notice, and shall file in the case a full report thereof, together with his opinion upon the title. The court shall not be bound by any report of the examiner of titles, but may require further or other proof. An examiner of titles shall have full power to administer

oaths and examine witnesses concerning any matter involved in his investigation of titles. In such matters he shall possess the same authority as is vested by law in referees appointed by the district court. When, in the opinion of the examiner, the state has any interest in, or lien upon, the land, he shall state the nature and character thereof in his report, and in such cases, the state shall be joined as a party, and named in the summons as a party thereto, in order that its interest, estate or lien may be defined and preserved. The clerk shall give notice to the applicant of the filing of such report. If the report of the examiner is adverse to the applicant, he shall have a reasonable time in which to proceed further, or to withdraw his application. This election shall be made in writing and filed with the clerk. Examiners shall, upon the request of the registrar, advise him upon any act or duty pertaining to the conduct of his office, or prepare the form of any memorial to be made or entered by the registrar.

In all cases where under the provisions of this chapter application is made to the court for any order or decree, the court may refer the matter to the examiner of titles for hearing and report in like manner as herein provided for the reference of the initial application for registration.

Sec. 5. Minnesota Statutes 1976, Section 508.20, is amended to read:

508.20 [TRIAL; REFERENCE.] When an answer is filed, the case shall be tried by the court in like manner as an ordinary civil action. The court may refer the case, or any part thereof, to one of the examiners, as referee, to hear the parties and their evidence, and make report thereon to the court. ~~Any report of an examiner shall have the same weight as that of a referee appointed by the district court.~~ After the filing of such ~~the~~ report, the court may order such other or further hearing of the cause before the court, or before the examiner, and may require such other or further proof by any of the parties to the cause as it shall deem proper.

Sec. 6. [VACANCIES.] *No vacancy in the office of referee or judicial officer shall be filled, nor new office created, except as specified in section 487.08, subdivision 2. If the chief justice certifies, after investigation by the state court administrator, that the judicial personnel of the district are working at maximum capacity and that the work of the district cannot be accomplished with present judicial personnel, including those temporarily transferred from other judicial districts pursuant to section 2.724, a temporary referee or judicial officer may be appointed for a period not to exceed one year.*

Amend the title as follows:

Strike the title in its entirety and insert:

"A bill for an act relating to court referees; permitting the appointment of law clerks; providing for certain referees and judicial officers; prescribing and limiting their duties; amending Minnesota Statutes 1976, Sections 484.545, Subdivision 1; 503.13;

and 508.20; and Minnesota Statutes, 1977 Supplement, Sections 484.70; and 487.08."

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. 523: A bill for an act relating to public safety; requiring fencing of unused open pit mines; providing a penalty; amending Minnesota Statutes 1976, Section 180.03.

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

Page 4, line 5, before "*certified*" insert "*by*"

Page 4, line 13, strike "*1978*" and insert "*1979*"

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 1286 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1286	1404				

And that the above 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. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 2163 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
2163	2082				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2163 be amended as follows:

Page 1, line 10, delete "[356.41]" and insert "[356.40]"

And when so amended H. F. No. 2163 will be identical to S. F. No. 2082, and further recommends that H. F. No. 2163 be given

its second reading and substituted for S. F. No. 2082, and that the Senate File be indefinitely postponed.

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 669 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
669	1759				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 669 be amended as follows:

Strike all the language after the enacting clause of H. F. No. 669 and insert the language after the enacting clause of S. F. No. 1759, as amended by the Committee on Agriculture and Natural Resources, adopted by the Senate March 1, 1978; further, strike the title of H. F. No. 669 and insert the title of S. F. No. 1759, as amended.

And when so amended H. F. No. 669 will be identical to S. F. No. 1759, and further recommends that H. F. No. 669 be given its second reading and substituted for S. F. No. 1759, and that the Senate File be indefinitely postponed.

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

Mr. Coleman from the Committee on Rules and Administration, to which were referred H. F. Nos. 2151, 1754, 2177, 1786, 2052, 1790, 1976, 2256, 2233, and 1599 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.
2151	2003				
1754	1703				
2177	1973				
1786	1917				
2052	1908				
1790	1747				
1976	1882				
2256	2106				
2233	2111				
1599	1543				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2151 be amended as follows:

Page 2, delete lines 3 to 32

Delete page 3

Page 4, delete lines 1 to 5

Page 4, line 21, delete "*therefore*" and insert "*therefor*" and after "*treasurer*" insert "*made after the effective date of this act*"

Page 4, line 24, delete "*such*" and insert "*the*"

Page 4, after line 24 insert

"Sec. 4. Laws 1977, Chapter 137, Section 14, is amended to read:

Sec. 14. This act is effective July 1, 1977 , *such that reports due on or before November 1, or in the case of life insurance corporations, reports due on or before May 1, pursuant to section 345.41, shall reflect property presumed abandoned by reason of expiration of the time periods provided for the particular type of property as of the previous June 30, or in the case of life insurance corporations, as of the previous December 31, as those periods are amended by Laws 1977, Chapter 137, Sections 3, 4; 5, and 6."*

Renumber the sections accordingly

Further amend the title as follows:

Page 1, line 4, after the semicolon insert "clarifying the reporting requirements;"

Page 1, lines 6 and 7 delete "Minnesota Statutes, 1977 Supplement, Section 345.41" and insert "Laws 1977, Chapter 137, Section 14"

And when so amended H. F. No. 2151 will be identical to S. F. No. 2003, and further recommends that H. F. No. 2151 be given its second reading and substituted for S. F. No. 2003, 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. 1754 be amended as follows:

Delete page 1, line 14 to page 4, line 11

Page 4, line 27, delete "*schools*" and insert "*school districts*"

Renumber the sections in sequence

Further, delete the title and insert

"A bill for an act relating to education; school boards; planning task force; providing for removal of task force members; amending Minnesota Statutes, 1977 Supplement, Section 122.86, Subdivision 3."

And when so amended H. F. No. 1754 will be identical to S. F. No. 1703, and further recommends that H. F. No. 1754 be given its second reading and substituted for S. F. No. 1703, 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. 2177 be amended as follows:

Page 1, line 22, after "years" insert "by the constant manipulation of our American servicemen"

And when so amended H. F. No. 2177 will be identical to S. F. No. 1973, and further recommends that H. F. No. 2177 be given its second reading and substituted for S. F. No. 1973, 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. 1786 be amended as follows:

Page 2, lines 13 to 16, delete the underscored language

Page 2, line 20, after "child" insert "*with necessary*"

Page 2, line 21, delete "*other parental*" and insert "*medical*" and delete "*required by law*"

Page 3, line 2, delete "*the*" and insert "*a*"

Page 5, line 30, after "private" insert "*data on individuals*"

Page 6, line 2, after "*private*" insert "*data on individuals*"

Page 6, line 31, delete "*and*" and insert "*or*"

And when so amended H. F. No. 1786 will be identical to S. F. No. 1917, and further recommends that H. F. No. 1786 be given its second reading and substituted for S. F. No. 1917, 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. 2052 be amended as follows:

Page 1, lines 15 and 16, strike "also if of the obstruction type, in effect reduces" and insert "*may reduce*"

Page 1, lines 17 and 18, strike "thus tending to destroy or impair" and insert "*thereby impairing*"

Page 1, line 19 to page 2, line 2, delete the underscored language

Page 2, lines 10 to 16, delete the underscored language

Delete page 3, line 11 to page 4, line 17 and insert

"Subd. 1a. [PROTECTION OF EXISTING NEIGHBORHOODS.] No standards or regulations shall be adopted pursuant to sections 360.061 to 360.074 by the commissioner or by any joint airport zoning board or joint airport operating board that classify as a nonconforming use or require such classification with respect to any residential structure or undeveloped parcel of real property consisting of residential building lots existing on January 1, 1978 in an established residential neighborhood. Any such standards or regulations may permit or require the classification of any residential structure as an airport hazard and provide for the alteration or acquisition and removal of such a structure at public expense regardless of classification of that structure as a conforming use."

Sec. 4. Minnesota Statutes 1976, Section 360.066, is amended by adding a subdivision to read:

Subd. 1b. Within nine months after the effective date of this act the commissioner shall amend the minimum standards defining airport hazard areas and categories of uses permitted therein to conform with the requirements of section 3 of this act. If the commissioner fails to adopt amended standards as required by this section the unamended standards, insofar as they require classification of any residential property as a conforming use contrary to the provisions of section 3, shall be without force or effect until those amended standards are adopted."

Renumber sections in sequence

Further, amend the title as follows:

Line 6, delete "a subdivision" and insert "subdivisions"

And when so amended H. F. No. 2052 will be identical to S. F. No. 1908, and further recommends that H. F. No. 2052 be given its second reading and substituted for S. F. No. 1908, 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. 1790 be amended as follows:

Page 2, line 18, after "consent" insert a comma

And when so amended H. F. No. 1790 will be identical to S. F. No. 1747, and further recommends that H. F. No. 1790 be given its second reading and substituted for S. F. No. 1747, 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. 1976 be amended as follows:

Page 1, delete lines 17 to 22 and insert "insignia thereon, or any other part thereof. *A person who voluntarily notifies a law enforcement agency that he is in possession of such an article, and who returns the article within ten days after gaining possession thereof, shall not be subject to prosecution for such possession.*"

And when so amended H. F. No. 1976 will be identical to S. F. No. 1882, and further recommends that H. F. No. 1976 be given its second reading and substituted for S. F. No. 1882, 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. 2256 be amended as follows:

Page 1, line 18, before "federal" insert "and appropriate"

And when so amended H. F. No. 2256 will be identical to S. F. No. 2106, and further recommends that H. F. No. 2256 be given its second reading and substituted for S. F. No. 2106, 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. 2233 be amended as follows:

Page 2, line 3, delete the semicolon and insert a period

Page 2, delete line 4

And when so amended H. F. No. 2233 will be identical to S. F. No. 2111, and further recommends that H. F. No. 2233 be given its second reading and substituted for S. F. No. 2111, 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. 1599 be amended as follows:

Page 2, line 3, strike "benefits" and strike "based upon such"

Page 2, line 4, strike "services"

Page 2, line 9, strike "such" wherever it appears and insert "the"

Page 2, line 10, strike "such" and insert "the"

Page 2, line 11, strike "such" and insert "the"

Page 2, line 13, strike "or said"

Page 2, line 14, after "schools" insert ", or *developmental achievement center*" and strike "such" and insert "*the*"

Page 2, line 22, delete "*development*" and insert "*developmental*"

Page 2, line 25, strike "such" and insert "*these*"

Page 2, line 27, strike "such" wherever it appears and insert "*the*"

Page 2, line 28, strike "such" and insert "*the*"

Page 2, line 29, strike "such" wherever it appears and insert "*the*"

Page 2, line 30, strike "such" and insert "*the*"

Page 2, line 32, strike "such" and insert "*the*"

Page 3, line 3, strike "such" wherever it appears and insert "*the*"

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

Page 3, line 6, strike "such" wherever it appears and insert "*the*"

Page 3, line 7, strike "such" and insert "*the*"

Page 3, line 8, before "*For*" insert "*School year*" and delete "*development*" and insert "*developmental*"

Page 3, line 10, delete "*school year*" and insert a comma

Page 3, after line 11 insert a new section to read

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

Further, amend the title as follows:

Page 1, line 3, delete "*development achievement*" and insert "*daytime activity*"

And when so amended H. F. No. 1599 will be identical to S. F. No. 1543, and further recommends that H. F. No. 1599 be given its second reading and substituted for S. F. No. 1543, and that the Senate File be indefinitely postponed.

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

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

H. F. No. 2429 A bill for an act relating to the cities of Mankato and North Mankato; prohibiting regulation of the rates of the public transit system by the public service commission.

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

Page 1, line 11, strike "in Mankato and North" and insert "for regular route service provided to the cities of Mankato and North Mankato, and additionally to other communities within Blue Earth or Nicollet counties not already provided similar service by private bus carriers."

Page 1, strike lines 12 and 13

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 1874, 1654, 370, 1738, 1930, 1876, and H. F. Nos. 1826, 1394, 2372, 526, 1981, 1736, 1114, 1965, 2003, 1424, makes the following report:

That S. F. Nos. 1874, 1654, 370, 1738, 1930, 1876, and H. F. Nos. 1826, 1394, 2372, 526, 1981, 1736, 1114, 1965, 2003, 1424 be placed on the General Orders Calendar in the order indicated.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 2373 and 2404 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. 2214, 1286, 2163, 669, 2151, 1754, 2177, 1786, 2052, 1790, 1976, 2256, 2233 and 1599 were read the second time.

H. F. Nos. 1009, 515, 649, 1707, 316, 523 and 2429 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Vega moved that S. F. No. 2256, No. 88 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Vega moved that S. F. No. 2348, No. 119 on General Orders, be stricken and returned to its author. The motion prevailed.

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources reported March 11, 1978, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March

11, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

STATE SOIL AND WATER CONSERVATION BOARD

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

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported March 11, 1978, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 11, 1978, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA POLLUTION CONTROL AGENCY

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

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

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported March 11, 1978, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported March 11, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA ENVIRONMENTAL QUALITY BOARD

Allan E. Mulligan, 11421 Live Oak Drive, Minnetonka, Hennepin County, effective January 18, 1978, for a term expiring the first Monday in January, 1979.

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Olson moved that the report from the Committee on General Legislation and Veterans Affairs, reported March 11, 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 11, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF THE ARTS

Stephen F. Keating, 688 Hillside Dr., Wayzata, Hennepin County, effective January 12, 1978, for a term expiring the first Monday in January, 1982.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 35 and nays 18, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Kleinbaum	Ogdahl	Staples
Bang	Engler	Knaak	Olson	Stokowski
Benedict	Gearty	Knoll	Peterson	Stumpf
Borden	Humphrey	Knutson	Pillsbury	Tennessee
Brataas	Johnson	Lewis	Renneke	Ueland, A.
Chmielewski	Keefe, J.	McCutcheon	Sieloff	Ulland, J.
Coleman	Kirchner	Merriam	Solon	Willet

Those who voted in the negative were:

Dieterich	Luther	Olhoft	Schmitz	Strand
Gunderson	Menning	Penny	Setzepfandt	Wegener
Laufenburger	Nelson	Purfeerst	Sikorski	
Lessard	Nichols	Schaaf	Spear	

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Olson moved that the report from the Committee on General Legislation and Veterans Affairs, reported March 11, 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 11, 1978, the Senate, having given its advice, do now consent to and confirm the appointment of:

BOARD OF THE ARTS

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

The motion prevailed. So the appointment was confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Davies moved that the report from the Committee on Judiciary, reported March 8, 1978, pertaining to appointments, be taken from the table. The motion prevailed.

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

CONFIRMATION

Mr. Davies moved that in accordance with the report from the Committee on Judiciary, reported March 8, 1978, the Senate, having given its advice, do now consent to and confirm the appointments of:

TAX COURT OF APPEALS

John Knapp, 250 1st Street, Albany, Stearns County, effective January 1, 1977, for a term expiring January 1, 1979.

Earl B. Gustafson, 700 1st National Bank Building, Duluth, St. Louis County, effective January 1, 1977, for a term expiring January 1, 1983.

Jack Fena, 311 East Howard Street, Hibbing, St. Louis County, effective January 1, 1977, for a term expiring January 1, 1981.

The motion prevailed. So the appointments were confirmed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 622 a Special Order to be heard immediately.

S. F. No. 622: A bill for an act relating to liquified petroleum gas and other pipelines; requiring minimum depth in certain areas; allowing an informed waiver of the depth requirement; limiting landowners liability; imposing duties on the state fire marshal; providing a remedy for violations; amending Minnesota Statutes 1976, Section 299F.61; and Chapter 299F, by adding a section.

Mr. Setzepfandt moved to amend S. F. No. 622 as follows:

Page 2, after line 27, insert:

"Subd. 3. [EFFECTIVENESS OF REQUIREMENT.] If the minimum burial depth requirement of this section is found to be unconstitutional and void with respect to pipelines transporting one or more of the substances enumerated in subdivision 1, the requirement shall remain effective with respect to pipelines transporting any of the other enumerated substances."

The motion prevailed. So the amendment was adopted.

Mr. Setzepfandt then moved to amend S. F. No. 622 as follows:

Page 4, line 1, strike " "Ordinary conduct of"

Page 4, strike lines 2 and 3

Page 4, line 4, after "Subd. 2." insert " "Ordinary conduct of agricultural operations," as that term is used in subdivision 1, includes the installation or repair of agricultural drainage tile; provided that"

Page 4, line 17, strike "or registered"

The motion prevailed. So the amendment was adopted.

S. F. No. 622 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolu-

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

THIRD READING OF SENATE BILLS

S. F. No. 1: A bill for an act relating to solid and hazardous waste and toxic substances; requiring licensing of retailers selling certain beverages and prohibiting certain retail practices; requiring a study of the environmental and economic consequences of packaging restrictions; prohibiting littering; providing for technology assessments and related research directed to certain goals; requiring studies and reports by the state planning agency, the pollution control agency, and the energy agency; establishing a temporary legislative commission on solid and hazardous waste; delaying temporarily the acquisition of land for and construction of a hazardous waste facility in the metropolitan area; changing procedures for the appointment of the director of the environmental education board; requiring regional solid waste plans; providing penalties; appropriating funds; amending Minnesota Statutes 1976, Sections 116E.03, Subdivisions 7, 7a, and 8; 116F.06, Subdivision 3; 174.02, Subdivision 2; Minnesota Statutes 1977 Supplement, Section 116F.22, Subdivision 1; repealing Minnesota Statutes 1976, Sections 85.20, Subdivision 6; 169.42; and 609.68.

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 6, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knoll	Penny	Staples
Bang	Gearty	Knutson	Peterson	Stokowski
Benedict	Gunderson	Laufenburger	Purfeerst	Strand
Bernhagen	Hanson	Lessard	Renneke	Stumpf
Borden	Humphrey	Lewis	Schaaf	Tennessen
Brataas	Johnson	Luther	Schmitz	Ueland, A.
Chenoweth	Keefe, J.	Merriam	Schrom	Ulland, J.
Chmielewski	Keefe, S.	Moe	Setzepfandt	Vega
Coleman	Kirchner	Nelson	Sieloff	Wegener
Davies	Kleinbaum	Ogdahl	Sikorski	Willet
Engler	Knaak	Olson	Solon	

Those who voted in the negative were:

Dieterich	Nichols	Olhoft	Pillsbury	Spear
Jensen				

So the bill passed and its title was agreed to.

S. F. No. 1923: A bill for an act relating to Koochiching, Itasca, Aitkin, Carlton, St. Louis, Lake and Cook counties; regulating the St. Louis county courthouse building commission; granting powers to the Arrowhead regional development commission; requiring payment of a service fee for property of the commission; amending Laws 1971, Chapter 171, Section 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1757: A bill for an act relating to health; ambulance service; providing for licensing of a specialized ambulance service; amending Minnesota Statutes, 1977 Supplement, Sections 144.801, Subdivisions 4, 6, 7, and 9, and by adding a subdivision; 144.802, Subdivision 1; and 144.804, Subdivisions 2 and 3.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

THIRD READING OF HOUSE BILLS

H. F. No. 2298: A bill for an act relating to highway traffic regulation; change of course; clarifying requirement to signal a turn; amending Minnesota Statutes 1976, Section 169.19, Subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Gearly	Lessard	Peterson	Stokowski
Bang	Gunderson	Luther	Pillsbury	Strand
Benedict	Hanson	McCutcheon	Purfeerst	Stumpf
Bernhagen	Humphrey	Menning	Renneke	Tennessen
Borden	Jensen	Merriam	Schaaf	Ueland, A.
Brataas	Johnson	Moe	Schmitz	Ulland, J.
Chenoweth	Keefe, J.	Nelson	Schrom	Vega
Chmielewski	Keefe, S.	Nichols	Setzepfandt	Wegener
Davies	Kirchner	Ogdahl	Sikorski	Willet
Dieterich	Kleinbaum	Olhoft	Solon	
Engler	Knoll	Olson	Spear	
Frederick	Laufenburger	Penny	Staples	

Messrs. Knutson and Sieloff voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1297: A bill for an act relating to wild animals; prohibiting the sale of deer licenses during the firearms season; reducing the resident license fee to buy or sell raw furs, prescribing a nonresident license fee for the taking of raccoon; requiring tagging of deer or moose taken; requiring tagging of raccoon taken by nonresidents; amending Minnesota Statutes 1976, Sections 98.45, Subdivisions 1 and 3; 98.46, Subdivisions 4, 16, and 22, and by adding a subdivision; 101.42, Subdivision 18; and Minnesota Statutes, 1977 Supplement, Sections 98.46, Subdivision 14; and 98.52, 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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1520: A bill for an act relating to financial institutions; changing powers of savings and loan associations; amending Minnesota Statutes 1976, Section 51A.21, Subdivision 16.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Bang	Gunderson	Lewis	Penny	Spear
Benedict	Hanson	Luther	Peterson	Staples
Bernhagen	Humphrey	McCutcheon	Pillsbury	Stokowski
Borden	Johnson	Menning	Purfeerst	Strand
Brataas	Keefe, J.	Merriam	Schaaf	Stumpf
Chenoweth	Keefe, S.	Moe	Schmitz	Tennessen
Chmielewski	Kleinbaum	Nelson	Schrom	Ueland, A.
Davies	Knaak	Nichols	Setzepfandt	Ulland, J.
Dieterich	Knoll	Ogdahl	Sieloff	Vega
Engler	Knutson	Olhoff	Sikorski	Wegener
Gearty	Laufenburger	Olson	Solon	Willett

So the bill passed and its title was agreed to.

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.

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 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Davies; Keefe, S.; and Tennessen voted in the negative.

So the bill passed and its title was agreed to.

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

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:

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

So the bill passed and its title was agreed to.

H. F. No. 1864: A bill for an act relating to retirement; providing for biennial local police and paid fire fund actuarial valuations; amending Minnesota Statutes 1976, Sections 69.77, Subdivisions 1, 2 and by adding a subdivision; 69.773, Subdivision 2; 69.78; 356.20, Subdivisions 1, 2 and 4; 356.215, Subdivisions 2 and 4; Chapter 356, by adding a section; Laws 1955, Chapter 75, Section 9, as added and Section 12, as amended; Laws 1959, Chapter 131, Section 10, Subdivision 1, as amended; Laws 1965, Chapter 446, Section 7, Subdivision 1; Laws 1965, Chapter 458, Section 3, Subdivision 2; Laws 1965, Chapter 498, Section 1, Subdivision 1; Laws 1967, Chapter 736, Section 11, Subdivision 1; Laws 1967, Chapter 775, Section 8; Laws 1967, Chapter 798, Section 1, Subdivisions 1 and 2; Laws 1969, Chapter 576, Section 1; Laws 1969, Chapter 641, Section 2, Subdivision 1; Laws 1971, Chapter 51, Section 9, and Section 10, Subdivisions 1 and 2; Laws 1971, Chapter 810, Section 7; Laws 1973, Chapter 587, Section 1; Laws 1975, Chapter 424, Sections 10 and 11; repealing Minnesota Statutes 1976, Sections 69.71; 69.72; 69.73; 69.74; 69.75; 69.76; 490.131; and Laws 1963, Chapter 643, Section 27.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1858: A bill for an act relating to retirement; clarifying various ambiguous retirement provisions; removing various obsolete gender references; amending Minnesota Statutes 1976, Sections 352B.05; 352B.06; 352B.14, Subdivisions 3 and 4; 352B.26, Subdivisions 2 and 3; 352B.28; 352D.05, Subdivision 3; 423.37; 423.371, Subdivision 2; 423.377; 423.38; 423.381; 423.387; 423.48; 423.51; 423.52; 423.58; 423.802, Subdivision 2; 423.810, Subdivisions 1 and 2; 424.16; 424.17; 424.24; 424.29; 424.31; Chapter 422A, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 69.772, Subdivision 2; 352B.08, Subdivision 2; 422A.09, Subdivision 3; and 422A.33, Subdivision 3; Laws 1969, Chapter 1088, Section 4, Subdivision 4; and Laws 1977, Chapter 61, Section 5; repealing Minnesota Statutes 1976, Sections 423.22 to 423.36; and 425.01 to 425.09.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 2020: A bill for an act relating to workers' compensation; changing the definition of family farms; amending Minnesota Statutes, 1977 Supplement, Section 176.011, Subdivision 11a.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Johnson	Lewis	Olhoft
Bang	Dieterich	Keefe, J.	Luther	Olson
Benedict	Engler	Keefe, S.	McCutcheon	Penny
Bernhagen	Frederick	Kleinbaum	Menning	Peterson
Borden	Gearty	Knaak	Merriam	Pillsbury
Brataas	Gunderson	Knoll	Moe	Purfeerst
Chenoweth	Hanson	Knutson	Nelson	Renneke
Chmielewski	Humphrey	Laufenburger	Nichols	Schaaf
Coleman	Jensen	Lessard	Ogdahl	Schmitz

Schrom	Solon	Stokowski	Tennessen	Vega
Setzepfandt	Spear	Strand	Ueland, A.	Wegener
Sieloff	Staples	Stumpf	Ulland, J.	Willet
Sikorski				

So the bill passed and its title was agreed to.

Remaining on the Order of Business of Motions and Resolutions, Mr. Coleman moved to take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H. F. No. 2005: A bill for an act relating to medical malpractice insurance; extending the temporary joint underwriting association for an additional two year period; amending Minnesota Statutes 1976, Section 62F.01; repealing Laws 1976, Chapter 242, Section 16.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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:

Aashbach	Chmielewski	Gearty	Keefe, J.	Knutson
Bang	Coleman	Gunderson	Keefe, S.	Laufenburger
Benedict	Davies	Hanson	Kirchner	Lessard
Bernhagen	Dieterich	Humphrey	Kleinbaum	Lewis
Brataas	Engler	Jensen	Knaak	Luther
Chenoweth	Frederick	Johnson	Knoll	McCutcheon

Menning	Olson	Schaaf	Solon	Tennessee
Merriam	Penny	Schmitz	Spear	Ueland, A.
Moe	Peterson	Schrom	Staples	Ulland, J.
Nelson	Pillsbury	Setzepfandt	Stokowski	Vega
Ogdahl	Purfeerst	Sieloff	Strand	Wegener
Olhoft	Renneke	Sikorski	Stumpf	Willet

So the bill passed and its title was agreed to.

H. F. No. 2242: A bill for an act relating to Yellow Medicine county; authorizing the expenditure of money by the county board to restore county ditch number nine.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 2316 a Special Order to be heard immediately.

S. F. No. 2316: A bill for an act relating to public employees; political subdivisions; prohibiting denial or abridgement of the right to engage in political activities, except under certain circumstances.

Mr. Setzepfandt moved to amend S. F. No. 2316 as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1976, Section 43.28, is amended to read:

43.28 [POLITICAL ACTIVITIES PROHIBITED.] *Subdivision 1.* [RIGHTS AND OBLIGATIONS OF PUBLIC EMPLOYEES.] No officer, agent, clerk, or employee of this state or any political subdivision thereof shall, directly or indirectly, during his hours of employment solicit or receive funds, or at any time use his authority or official influence to compel any officer or employee in the classified service to apply for membership in or become a

member of any organization, or to pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any person who violates any provision of this section shall be guilty of a misdemeanor, and shall be punished accordingly, and if any officer or employee in the classified service is found guilty of violating any provision of this section, he is automatically separated from the service. *No political subdivision may impose or enforce any additional limitations on the political activities of its employee.*

Subd. 2. [LEAVES OF ABSENCE FOR STATE EMPLOYEES.] Except as herein provided any officer or employee in the state classified service shall:

(1) Take leave of absence upon assuming an elected federal or state public office, including elected state legislative office;

(2) Take leave of absence upon assuming any elected public office other than enumerated in clause (1), if, in the opinion of the commissioner of personnel, the holding of such office conflicts with his regular state employment;

(3) Upon his request, be granted leave of absence upon becoming a candidate, or during the course of such candidacy, for any elected public office;

(4) Take leave of absence upon becoming a candidate, or during the course of candidacy, for any elected public office if, in the opinion of the commissioner of personnel, such candidacy conflicts with his regular state employment.

All requests for opinions of the commissioner of personnel, and opinions from the commissioner under the provisions of clauses (2) and (4) shall be in written form and shall be delivered by registered mail.

The commissioner of personnel shall issue an opinion under the provisions of clauses (2) and (4) within seven calendar days of receipt of the request.

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

Amend the title by striking it in its entirety and inserting

"A bill for an act relating to political subdivisions; prohibiting employees of political subdivisions from engaging in certain political activities; precluding subdivisions from enforcing additional limitations; amending Minnesota Statutes 1976, Section 43.28."

The motion prevailed. So the amendment was adopted.

S. F. No. 2316: A bill for an act relating to political subdivisions; prohibiting employees of political subdivisions from engaging in certain political activities; precluding subdivisions from enforcing additional limitations; amending Minnesota Statutes 1976, Section 43.28."

S. F. No. 2316 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 39 and nays 0, as follows:

Those who voted in the affirmative were:

Chenoweth	Keefe, J.	Menning	Renneke	Stokowski
Chmielewski	Keefe, S.	Merriam	Schaaf	Stumpf
Davies	Kirchner	Moe	Schmitz	Tennessee
Dieterich	Kleinbaum	Nelson	Schrom	Ulland, J.
Gearty	Laufenburger	Olhoff	Setzepfandt	Vega
Gunderson	Lessard	Olson	Sieloff	Wegener
Hanson	Lewis	Penny	Spear	Willet
Johnson	Luther	Peterson	Staples	

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 1918 a Special Order to be heard immediately.

H. F. No. 1918: A bill for an act relating to taxation; clarifying the exclusion from gross income allowed for public pensions; amending Minnesota Statutes, 1977 Supplement, Section 290.08, Subdivision 6.

Mr. Sieloff moved to amend H. F. No. 1918, as amended pursuant to Rule 49, adopted by the Senate March 6, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 1581.)

Page 1, line 22, after "retirement" insert "or survivor's"

Page 2, line 4, after "security" insert "retirement"

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend H. F. No. 1918, as amended pursuant to Rule 49, adopted by the Senate March 6, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 1581.)

Page 1, line 13, after "United States" insert "*, its agents or instrumentalities*"

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Mr. Ashbach imposed a call of the Senate for the balance of the proceedings on H. F. No. 1918. The following Senators answered to their names:

Ashbach	Borden	Coleman	Gearty	Johnson
Bang	Brataas	Davies	Gunderson	Keefe, S.
Benedict	Chenoweth	Dieterich	Hanson	Kirchner
Bernhagen	Chmielewski	Engler	Humphrey	Kleinbaum

Knaak	Merriam	Peterson	Spear	Ulland, J.
Knutson	Nelson	Renneke	Staples	Vega
Lewis	Ogdahl	Schaaf	Stokowski	Willet
Luther	Olhoff	Schmitz	Stumpf	
McCutcheon	Olson	Sieloff	Tennessen	
Menning	Penny	Solon	Ueland, A.	

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

Mr. Bernhagen moved to amend H. F. No. 1918, as amended pursuant to Rule 49, adopted by the Senate March 6, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 1581.)

Page 2, strike line 4

Page 2, line 7, strike "received during the taxable year"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 40, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knaak	Ogdahl	Sieloff
Bang	Frederick	Knoll	Pillsbury	Ueland, A.
Bernhagen	Keefe, J.	Knutson	Purfeerst	Ulland, J.
Brataas	Kirchner	Laufenburger	Renneke	

Those who voted in the negative were:

Benedict	Hanson	Luther	Penny	Staples
Borden	Humphrey	McCutcheon	Peterson	Stokowski
Chenoweth	Jensen	Menning	Schaaf	Strand
Coleman	Johnson	Merriam	Schmitz	Stumpf
Davies	Keefe, S.	Nelson	Schrom	Tennessen
Dieterich	Kleinbaum	Nichols	Setzepfandt	Vega
Gearty	Lessard	Olhoff	Solon	Wegener
Gunderson	Lewis	Olson	Spear	Willet

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

Mr. Sieloff moved to amend H. F. No. 1918, as amended pursuant to Rule 49, adopted by the Senate March 6, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 1581.)

Page 2, line 1, after "401," insert "403,"

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

Mr. Frederick moved to amend H. F. No. 1918, as amended pursuant to Rule 49, adopted by the Senate March 6, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 1581.)

Page 1, line 10, strike "OR PRIVATE"

Page 1, line 13, strike "(i)"

Page 1, line 22, strike ", or (ii) as a retirement benefit made from a"

Page 2, strike lines 1 to 3

Page 2, line 4, strike "less social security and railroad retirement benefits"

Page 2, line 7, strike "received during the taxable year"

Page 2, after line 7, insert

"Sec. 2. Minnesota Statutes 1976, Section 290.08, is amended by adding a subdivision to read:

Subd. 6a. [PRIVATE PENSIONS OR RETIREMENT BENEFITS.] Amounts, including interest, received by any person as a retirement benefit made from a plan qualifying under sections 401, 404, 405, 408 or 409 of the Internal Revenue Code of 1954, as amended through December 31, 1977. This exclusion shall not exceed \$7,200 less social security and railroad retirement benefits received during the taxable year."

Renumber the remaining section in sequence

Further, amend the title as follows:

Line 3, after the semicolon insert "providing a limited exclusion for private pensions;"

Line 4, after "Statutes" insert "1976, Section 290.08, by adding a subdivision; and Minnesota Statutes"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Brataas	Keefe, J.	Ogdahl	Sieloff
Bang	Chmielewski	Kirchner	Pillsbury	Solon
Benedict	Engler	Knaak	Renneke	Ueland, A.
Bernhagen	Frederick	Knutson	Schrom	Ulland, J.

Those who voted in the negative:

Borden	Humphrey	McCutcheon	Penny	Stumpf
Chenoweth	Jensen	Menning	Peterson	Tennessen
Coleman	Johnson	Merriam	Schaaf	Vega
Davies	Keefe, S.	Moe	Schmitz	Wegener
Dieterich	Laufenburger	Nelson	Spear	Willet
Gearty	Lessard	Nichols	Staples	
Gunderson	Lewis	Olhoft	Stokowski	
Hanson	Luther	Olson	Strand	

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

Mr. Sieloff moved to amend H. F. No. 1918, as amended pursuant to Rule 49, adopted by the Senate March 6, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 1581.)

Page 2, line 3, strike "\$7,200" and insert "\$10,000"

The question was taken on the adoption of the amendment.

Mr. McCutcheon moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 21 and nays 38, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knoll	Pillsbury	Ulland, J.
Bang	Frederick	Knutson	Renneke	
Bernhagen	Keefe, J.	Laufenburger	Schrom	
Brataas	Kirchner	Lessard	Sieloff	
Chmielewski	Knaak	Ogdahl	Ueland, A.	

Those who voted in the negative were:

Benedict	Hanson	McCutcheon	Peterson	Strand
Borden	Humphrey	Menning	Schaaf	Stumpf
Chenoweth	Jensen	Merriam	Schmitz	Tennessen
Coleman	Johnson	Moe	Setzepfandt	Vega
Davies	Keefe, S.	Nelson	Solon	Wegener
Dieterich	Kleinbaum	Olhoft	Spear	Willet
Gearty	Lewis	Olson	Staples	
Gunderson	Luther	Penny	Stokowski	

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

Mr. Sieloff then moved to amend H. F. No. 1918, as amended pursuant to Rule 49, adopted by the Senate March 6, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 1581.)

Page 2, line 7, after the period, insert "*Notwithstanding the preceding sentence, the exclusion allowed pursuant to this sub-division shall not be reduced below \$3,000.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 38, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knaak	Pillsbury	Ueland, A.
Bang	Frederick	Knoll	Purfeerst	Ulland, J.
Bernhagen	Keefe, J.	Knutson	Renneke	
Brataas	Kirchner	Ogdahl	Sieloff	

Those who voted in the negative were:

Benedict	Humphrey	Luther	Penny	Strand
Chenoweth	Jensen	McCutcheon	Peterson	Stumpf
Coleman	Johnson	Menning	Schmitz	Tennessen
Davies	Keefe, S.	Merriam	Schrom	Vega
Dieterich	Kleinbaum	Moe	Setzepfandt	Wegener
Gearty	Laufenburger	Nelson	Spear	Willet
Gunderson	Lessard	Olhoft	Staples	
Hanson	Lewis	Olson	Stokowski	

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

Mr. Chenoweth moved to amend H. F. No. 1918, as amended pursuant to Rule 49, adopted by the Senate March 6, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 1581.)

Page 2, line 7, after "year" insert "; provided that, for each taxable year beginning after December 31, 1978, the \$7,200 maximum shall be increased by the percentage of increase in the maximum social security retirement benefit allowed for such succeeding years"

Mr. Sieloff moved a substitute amendment to the Chenoweth amendment to amend H. F. No. 1918, as amended pursuant to Rule 49, adopted by the Senate March 6, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 1581.)

Page 2, line 7, after "year" insert "; provided that, for each taxable year beginning after December 31, 1978, the \$7,200 maximum shall be increased by the percentage of increase in the year end consumer price index for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with respect to the calendar year preceding the taxable year. In no event shall the maximum be increased to exceed \$13,000"

The question was taken on the adoption of the amendment.

Mr. McCutcheon moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 27 and nays 32, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knutson	Purfeerst	Ueland, A.
Bang	Frederick	Lessard	Renneke	Ulland, J.
Benedict	Keefe, J.	Menning	Schrom	Willet
Bernhagen	Kirchner	Merriam	Sieloff	
Brataas	Knaak	Penny	Strand	
Dieterich	Knoll	Pillsbury	Tennessen	

Those who voted in the negative were:

Borden	Humphrey	Luther	Peterson	Stokowski
Chenoweth	Jensen	McCutcheon	Schaaf	Stumpf
Chmielewski	Johnson	Moe	Schmitz	Vega
Coleman	Keefe, S.	Nelson	Setzepfandt	Wegener
Davies	Kleinbaum	Nichols	Solon	
Gearty	Laufenburger	Olhoft	Spear	
Hanson	Lewis	Olson	Staples	

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

The question recurred on the Chenoweth amendment. Mr. Chenoweth withdrew his amendment.

H. F. No. 1918 was read the third time, as amended, 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:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Davies moved that H. F. No. 1317 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules and Administration for comparison with S. F. No. 1013. The motion prevailed.

RECESS

Mr. Coleman moved that the Senate do now recess until 7:30 o'clock p.m. The motion prevailed.

The hour of 7:30 o'clock p.m. having arrived, the President called the Senate to order.

MEMBERS EXCUSED

Messrs. Bang and Knutson were excused from this evening's Session. Mr. Schmitz was excused from the early part of this evening's Session. Mr. Schrom was excused from this evening's Session at 10:30 o'clock p.m.

CALL OF THE SENATE

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

Benedict	Gunderson	Lessard	Penny	Staples
Bernhagen	Hanson	Lewis	Perpich	Strand
Brataas	Humphrey	McCutcheon	Peterson	Stumpf
Chenoweth	Johnson	Menning	Pillsbury	Tennessen
Chmielewski	Keefe, S.	Moe	Purfeerst	Ulland, J.
Coleman	Kirchner	Nelson	Renneke	Vega
Davies	Kleinbaum	Nichols	Schrom	Wegener
Engler	Knaak	Ogdahl	Setzepfandt	Willet
Frederick	Knoll	Olhoff	Sieloff	
Gearly	Laufenburger	Olson	Spear	

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Messrs. Humphrey, Luther, Schrom and Strand introduced—

S. F. No. 2406: A bill for an act relating to high voltage transmission lines; notice of hearings on proposed lines; representation of landowners at hearings by attorney general; scientific advisory committees; amending Minnesota Statutes, 1977 Supplement, Sections 116C.58 and 116C.59, Subdivisions 3 and 4.

Referred to the Committee on Agriculture and Natural Resources.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S. F. Nos. 1602 and 1752.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 13, 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. 1643: A bill for an act relating to agriculture; corn detasseling employees; providing minimum labor standards; amending Minnesota Statutes 1976, Chapter 181, by adding sections.

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

Sieben, M.; Enebo and Laidig.

Senate File No. 1643 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Mr. President:

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

H. F. No. 2098.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 13, 1978

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H. F. No. 2098: A bill for an act relating to family planning services; providing for special grants to provide family planning services; requiring informed consent; providing a penalty; appropriating funds; amending Minnesota Statutes 1976, Section 145.922, by adding subdivisions.

Mrs. Staples moved that H. F. No. 2098 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Coleman moved that the Committee Reports at the Desk with the exception of the report on H. F. No. 1863 be now adopted. The motion prevailed.

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

S. F. No. 939: A bill for an act relating to public utilities; providing for representation of consumer interests in public utility matters; permitting qualifying private, nonprofit corporations to participate in regulatory agency hearings and to solicit contributions from utility customers; requiring public service commission certification of qualifying corporations; requiring a report.

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

Strike everything after the enacting clause and insert the following:

"Section 1. Minnesota Statutes 1976, Section 45.16, Subdivision 1, is amended to read:

45.16 [CONSUMER SERVICES SECTION, RESPONSIBILITIES AND DUTIES.] Subdivision 1. The section of consumer services shall have the responsibilities and duties prescribed by this section and *section 2 of this act* and such other authority as may be conferred by the commissioner of commerce.

Sec. 2. Minnesota Statutes 1976, Chapter 45, is amended by adding a section to read:

[45.17] Subdivision 1. [DEFINITIONS.] *For the purposes of this section, the terms defined in this subdivision shall apply:*

(1) *"Public utility" means a publicly or privately owned entity engaged in supplying utility services to residential utility consumers*

in this state or to another public utility for ultimate distribution to residential utility consumers in this state and whose rates or charges are subject to approval by the public service commission or any agency of the federal government provided that no municipal or cooperative utility shall be considered a "public utility" for the purposes of this clause.

(2) "Consumer services section" means the consumer services section of the department of commerce.

(3) "Residential utility consumer" or "consumer" means a person who uses utility services at his residence in this state and who is billed by or pays a public utility for these services.

(4) "Utility services" means electricity, natural gas, or telephone services distributed to residential utility consumers by a public utility.

Subd. 2. The consumer services section shall be responsible for representing and furthering the interest of residential utility consumers through participation in matters before the public service commission involving utility rates and adequacy of utility services to residential utility consumers.

Subd. 3. Subject to the limitations of subdivision 2, the consumer services section may intervene as of right or participate as an interested party in matters pending before the public service commission which affect the distribution by a public utility of utility services to residential utility consumers. The right of the consumer services section to participate or intervene shall in no way affect the obligation of the public service commission to protect the public interest.

Subd. 4. The public service commission shall give reasonable notice to the consumer services section of any matter scheduled to come before the commission affecting a public utility's rates or adequacy of services to residential utility consumers. Rules of the commission governing procedures before the commission shall apply to the consumer services section and its employees or representatives. The consumer services section shall have the same rights and privileges accorded other intervenors or participants in matters pending before the commission.

Subd. 5. The consumer services section shall be deemed to have an interest sufficient to maintain, intervene as of right in, or otherwise participate in any civil action in the trial courts or supreme court of this state for the review or enforcement of any public service commission action which affects a public utility's rates or adequacy of service to residential utility consumers.

Subd. 6. The expenses of performing the responsibilities authorized by this act shall be defrayed as follows:

Immediately after the final enactment of this section, the public service commission shall assess to all public utilities subject to the provisions of this act, in proportion to their respective gross operating revenues derived from residential utility consumers during the

preceding calendar year, the sum of \$300,000. Thereafter, commencing with the year 1979, the public service commission shall make the assessment provided above on July 1 of each year. Any monies not expended during the year of assessment shall be applied to the assessment for the following year. The assessment shall be paid into the state treasury within 30 days after the bill has been mailed, by registered mail, to the several public utilities, which shall constitute notice of the assessment and demand for payment thereof. The assessment shall be credited to a special account within the agency fund in behalf of the consumer services section. Public utilities shall recover the costs of their assessments through rates charged to residential utility consumers.

Subd. 7. [BOARD OF RESIDENTIAL UTILITY CONSUMERS.] There is hereby created the board of residential utility consumers whose duties shall include:

(1) Establishing policy guidelines concerning the utility related activities of the commerce department's consumer services section;

(2) Reviewing and approving the section's staff employment decisions related to performing the responsibilities conferred in section 2 of this act; and

(3) Annually reviewing and approving of the consumer services section's budget of estimated expenses for utility related activities.

The board shall consist of five voting members to be appointed by the governor. In making appointments, the governor shall give consideration to individuals having a special interest in the provision of utility services to residential consumers.

The board members shall elect from among their number a chairman and any other officers as it may deem necessary. The board shall meet at the call of the chairman or the director. The terms of office, compensation, and provisions for removal and filling vacancies of members shall be as provided in section 15.0575.

The director of the consumer services section shall submit an annual budget of estimated expenses to the board for review and approval. The director shall also periodically seek the advice of the board concerning its operations related to the responsibilities conferred by this section. The director shall also file an annual report of the section's utility related activities with the board on or before December 31 of each year.

Sec. 3. [EFFECTIVE DATE.] This act shall be effective upon final enactment."

Amend the title as follows:

Page 1, line 4, after "matters" insert "by the consumer services section"

Page 1, line 4, strike "permitting qualifying private,"

Page 1, strike lines 5 to 9 and insert "assessing utility companies for the expenses of the representation; amending Minnesota Stat-

utes 1976, Section 45.16, Subdivision 1; and Chapter 45, by adding a section."

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

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

S. F. No. 2099: A bill for an act relating to taxation; property tax; increasing property tax refunds for certain renters; amending Minnesota Statutes, 1977 Supplement, Section 290A.04, Subdivision 2a.

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

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

S. F. No. 2237: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, Section 7; permitting pari-mutuel betting on horse races if authorized by law.

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

Page 1, line 12, strike "*on-track*"

Page 1, line 12, after "*parimutuel*" insert "*betting on*"

Page 1, line 17, strike "*on-track*"

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

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

S. F. No. 2217: A bill for an act relating to taxation; providing for apportionment in valuing certain class 3c and 3cc property; clarifying tax status of certain leased United States property; applying sales tax to certain tooling charges; clarifying status of certain taconite taxes; amending Minnesota Statutes 1976, Sections 273.19, Subdivision 1; and 297A.14; and Minnesota Statutes, 1977 Supplement, Section 273.13, Subdivision 7.

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

Pages 4 and 5, strike section 3

Page 5, line 15, strike "*Section 3 is*"

Page 5, strike line 16

Page 5, line 17, strike "*4*" and insert "*3*"

Renumber the remaining sections in sequence

Amend the title as follows:

Page 1, line 5, strike "applying sales tax to certain"

Page 1, line 6, strike "tooling charges;"

Page 1, line 8, strike "Sections" and insert "Section"

Page 1, line 8, strike "and 297A.14;"

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

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

H. F. No. 551: A bill for an act relating to taxation; providing for transfer of jointly held property to heirs of decedent joint tenant; clarifying marital exemption provisions; providing for deduction for certain taxes on estates of nonresidents; clarifying time for filing and extension; providing for abatement of penalties in cases of reasonable cause for delay; correcting references to probate code provisions; requiring filing of affidavits and copies of documents; amending Minnesota Statutes 1976, Sections 291.01, Subdivision 4; 291.051, Subdivision 1; 291.08; 291.09, by adding a subdivision; 291.11, Subdivision 1; 291.131, Subdivision 2; 291.20, Subdivision 3; 291.40; 524.3-1003; 524.3-1201; and 524.3-1202.

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

Page 3, line 1, strike "tax exceeds" and insert "value of joint tenancy assets does not exceed \$30,000."

Page 3, strike lines 2 and 3

Pages 8 and 9, strike Section 9

Renumber the sections accordingly

Amend the title as follows:

Page 1, strike line 10

Page 1, line 11, strike "documents;"

Page 1, line 16, strike "524.3-1003;"

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

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

H. F. No. 1863: A bill for an act relating to the operation of state government; allowing the state to make advance payments or deposits for certain items; providing for centralized rental payments to be made from the general services revolving fund; extending the time in which to repay loans from the general fund to

revolving funds; allowing the commissioner of administration to publish agency descriptions in the state register biennially instead of annually; amending Minnesota Statutes 1976, Section 16.096; Minnesota Statutes, 1977 Supplement, Sections 15.0412, Subdivision 2; 16.80, Subdivision 1; and 16A.126.

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 4.035, Subdivision 3, is amended to read:

Subd. 3. [EXPIRATION DATE.] Unless an earlier date is specified by statute or by executive order, an executive order shall expire 90 days after the date that the governor who issued the order vacates his office. *For the purposes of section 4.035, a governor shall not be deemed to vacate his office at the end of a regularly scheduled term if that governor is elected or reelected as governor for the next succeeding term.*

Sec. 2. Minnesota Statutes 1976, Section 7.09, Subdivision 1, is amended to read:

7.09 [GIFTS; ACCEPTANCE.] Subdivision 1. [PROCEDURE.] The state treasurer is hereby authorized to receive and accept, on behalf of the state, any gift, bequest, devise, or endowment which may be made by any person, by will, deed, gift, or otherwise, to or for the benefit of the state, or any of its departments or agencies, or to or in aid, or for the benefit, support, or maintenance of any educational, charitable, or other institution maintained in whole or in part by the state, or for the benefit of students, employees, or inmates thereof, or for any proper state purpose or function, and the money, property, or funds constituting such gift, bequest, devise, or endowment. No such gift, bequest, devise, or endowment shall be so accepted unless the governor, the commissioner of finance, and the state treasurer shall determine that it is for the interest of the state to accept the same, and shall approve of and direct such acceptance. When, in order to effect the purpose for which any such gift, bequest, devise, or endowment has been accepted, it is necessary to sell any property so received, the state treasurer, upon request of the authority in charge of the agency, department, or institution concerned, may sell the same at a price which shall be fixed by the state board of investment.

Sec. 3. Minnesota Statutes 1976, Section 10A.01, Subdivision 18, is amended to read:

Subd. 18. "Public official" means any:

- (a) Member of the legislature;
- (b) Person holding a constitutional office in the executive branch and his chief administrative deputy;
- (c) Member of a state board or commission which has rule making authority, as "rule" is defined in section 15.0411, subdivi-

sion 3 , *including the state historical society and the state agricultural society* ;

(d) Person employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher or attorney in the office of legislative research;

(e) Person employed by the executive branch in any position specified in section 15A.081; and

(f) Member of the metropolitan council, metropolitan transit commission, metropolitan sewer board or metropolitan airports commission.

Sec. 4. Minnesota Statutes, 1977 Supplement, Section 11.117, Subdivision 4, is amended to read:

Subd. 4. [OFFICERS; MEETINGS.] The council shall annually elect a chairman from among the members appointed by the ~~governor board~~ , and may elect other officers as necessary. The board of investment shall provide the council with necessary meeting space and administrative services. The council shall meet at least monthly and upon the call of the chairman of the council or the board.

Sec. 5. Minnesota Statutes, 1977 Supplement, Section 11.117, Subdivision 6, is amended to read:

Subd. 6. [LIABILITY; INDEMNIFICATION.] A member of the council shall be indemnified and held harmless by the state for any reasonable costs or expenses incurred as a result of any actual or threatened litigation or administrative proceedings , ~~other than an action brought by the state or any agency thereof~~ , arising out of the performance of the member's duties if ~~the~~ , *except for an action brought by the state or agency thereof arising from the failure of a council member to perform duties were performed in a the manner as prescribed by this section.*

Sec. 6. Minnesota Statutes, 1977 Supplement, Section 11.118, is amended to read:

11.118 [REPLACEMENT OF EXISTING AGENCIES.] The council created pursuant to section 11.117 supersedes and replaces any advisory agencies to the state board of investment in existence on May 21, 1977. The ~~governor state board of investment~~ is not prohibited from appointing members of a former investment advisory agency to the council created by section 11.117.

Sec. 7. Minnesota Statutes, 1977 Supplement, Section 11.145, is amended to read:

11.145 [ANNUAL REPORT.] No later than November 15 of each year, the board of investment will prepare and distribute to the legislature a report summarizing the activities of the board, the investment advisory council and the board's executive secretary during the preceding fiscal year. The report shall be prepared so as to give the legislature and the people of the state a clear, comprehensive summary of the *portfolio composition, the transactions affecting the state's investment portfolio portfolios* , the results of these transactions, and the actual rates of return to the

treasury and to each of the funds whose investments are administered by the board, *income received by the treasury and the various funds, and the recipients of business placed or commissions allocated among the various commercial banks, investment bankers, and brokerage organizations.*

Sec. 8. 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, ~~(e) corrections board and pardon board,~~ ~~(d) the unemployment insurance program in the department of economic security,~~ ~~(e) the director of mediation services,~~ ~~(f) the workers compensation division in the department of labor and industry,~~ ~~(g) 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. 9. Minnesota Statutes, 1977 Supplement, Section 15.0412, Subdivision 2, is amended to read:

Subd. 2. To assist interested persons dealing with it, each agency shall, in a manner prescribed by the commissioner of administration, prepare a description of its organization, stating the process whereby the public may obtain information or make submissions or requests. The commissioner of administration shall annually publish these descriptions at least in every even-numbered year commencing in 1980 in a guidebook of state agencies. Notice of the publication of the guidebook shall be published in the state register.

Sec. 10. Minnesota Statutes, 1977 Supplement, Section 15.0412, Subdivision 4, is amended to read:

Subd. 4. No rule shall be adopted by any agency unless the agency first holds a public hearing thereon, affording all affected interests an opportunity to participate, and gives notice of its intention to hold such a hearing at least 30 days prior to the date set for the hearing by United States mail, to representatives of associations or other interested groups or persons who have registered their names with the secretary of state for that purpose and in the state register. The notice in the state register shall include the full text of the rule proposed for adoption; provided that, with the approval of the chief hearing examiner, the agency may incorporate by reference provisions of federal law or rule or other materials from sources which the chief hearing

examiner determines are conveniently available for viewing, copying and acquisition by interested persons. The chief hearing examiner shall not approve incorporation by reference of materials which are less than 3000 words in length or which would require less than five pages of publication in the state register. The agency shall make available at least one free copy of the proposed rule to any person requesting it. *The free copy shall be an exact duplicate of the proposed rule and notice of hearing as published in the state register.* At the public hearing the agency shall make an affirmative presentation of facts establishing the need for and reasonableness of the rule proposed for adoption and fulfilling any relevant substantive or procedural requirements imposed on the agency by law or rule. After allowing written material to be submitted and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 days if ordered by the hearing examiner, the hearing examiner assigned to the hearing shall proceed to write a report as provided for in section 15.052, subdivision 3, which report shall be completed within 30 days after the close of the hearing record unless the chief hearing examiner, upon written request of the agency and the hearing examiner, orders an extension. In no case shall an extension be granted if the chief hearing examiner determines that an extension would prohibit a rule from being adopted or becoming effective until after a date for adoption or effectiveness as required by statute. The report shall be available to all affected persons upon request for at least five working days before the agency takes any final action on the rule. If the agency adopts the rule, it shall be submitted with the complete hearing record to the attorney general, who shall review the rule as to form and legality. If the agency, the chief hearing examiner or the attorney general requests, the hearing examiner shall cause a transcript to be prepared of the hearing. The agency shall give notice to all persons who requested to be informed that the hearing record has been submitted to the attorney general. The attorney general shall, within 20 days, either approve or disapprove the rule. If he approves the rule, he shall promptly file it in the office of the secretary of state. If he disapproves the rule, he shall state in writing his reasons therefor, and the rule shall not be filed in the office of the secretary, nor published. A rule shall become effective after it has been subjected to all requirements described in this subdivision and five working days after publication in the state register, as hereinafter provided, unless a later date is required by statutes or specified in the rule. If the rule as adopted does not differ from the proposed rule as published in the state register, publication may be made by publishing notice in the state register that the rule has been adopted as proposed and by publishing a citation to the prior publication. If the rule as adopted differs from the proposed rule, the adopted rule or subdivisions thereof which differ from the proposed rule shall be published together with a citation to the prior state register publication of the remainder of the proposed rule.

Sec. 11. 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 required or authorized by statute to adopt temporary rules*, the agency shall promulgate a ~~adopt 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 practicable 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. 12. 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. 13. 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. 14. Minnesota Statutes, 1977 Supplement, Section 15.06, Subdivision 2, is amended to read:

Subd. 2. [TERM OF OFFICE; SUCCESSOR.] The term of a commissioner shall end with the term of the office of governor. If the appointing authority is the governor, the term shall end on the date the governor who appointed the commissioner terminate at the end of each regular four year gubernatorial term or at such

earlier date as the governor, if he is the appointing authority, vacates his office. The appointing authority shall submit to the president of the senate the name of an appointee as permanent commissioner within 45 legislative days after the end of the term of a commissioner and within 45 legislative days after the occurrence of a vacancy. The appointee shall take office as permanent commissioner when the senate notifies the appointing authority that it has consented to the appointment. A commissioner shall serve at the pleasure of the appointing authority. Effective on and after July 1, 1987, a commissioner may only be removed for cause after notice and hearing.

Sec. 15. Minnesota Statutes 1976, Section 16.02, Subdivision 14, is amended to read:

Subd. 14. To rent out , with the approval of the governor, any state property, real or personal, not needed for public use, the rental of which is not otherwise provided for or prohibited by law. This shall not apply to state trust fund lands, or other state lands under the jurisdiction of the department of natural resources, or to lands forfeited for delinquent taxes or to lands acquired under section 298.22. No such property shall be rented out for a term exceeding two years at a time without the approval of the state executive council; and no such property shall ever be rented out for more than 25 years.

Sec. 16. Minnesota Statutes 1976, Section 16.026, Subdivision 2, is amended to read:

Subd. 2. [SUPERVISION OF PUBLICATIONS.] The commissioner of administration shall supervise and control the making and distribution of publications of all kinds issued by the State of Minnesota and the departments and agencies thereof when not otherwise prescribed by law. *Each report, brochure or other publication, not including the state register, shall contain on its back cover or end sheet a notation of the number of copies printed in that edition and the total estimated printing costs of that edition as of the date of completion of that printing run.*

Sec. 17. Minnesota Statutes 1976, Section 16.05, is amended to read:

16.05 [RULES.] The commissioner shall have power , with the approval of the governor, to make and adopt, amend and repeal rules and regulations , not inconsistent with law, respecting any matter within the scope of the powers and duties conferred by sections 16.01 to 16.23 ; which rules and regulations shall have the force and effect of law; provided, that every such rule or regulation affecting any person or agency, other than a member of the department of administration, shall be filed with the secretary of state, and shall not take effect until so filed .

Sec. 18. Minnesota Statutes 1976, Section 16.096, is amended to read:

16.096 [ADVANCE DEPOSITS AND PAYMENTS.] Notwithstanding any other law to the contrary, the commissioner of administration may allow advance deposits or payments by any

department with the Library of Congress and federal Supervisor of Documents for items to be purchased from those federal agencies for the following purposes:

(a) *Purchasing items from the Library of Congress and federal Supervisor of Documents;*

(b) *Purchasing subscriptions to periodicals, newspapers or similar printed services when payment in arrears cannot be arranged.*

Sec. 19. Minnesota Statutes, 1977 Supplement, Section 16.125, is amended to read:

16.125 [TRANSFER OF PERSONNEL, POWERS, DUTIES.] Subdivision 1. The commissioner of administration, in order to improve efficiency or avoid duplication, may transfer *personnel, powers, or duties, and personnel necessary to perform the powers or duties, of or any combination of them, from a department or agency to another department or agency that has been in existence for at least one year prior to the date of transfer.* A transfer must have received *receive* the prior approval of the governor. The commissioner of administration shall no later than January 15 of each *odd numbered* year submit to the legislature a bill making all statutory changes required by reorganization orders *and ratifying all other reorganization orders affecting state law issued by the commissioner during the preceding two calendar year years.* *If the bill is not enacted into law by the end of the regular legislative session in the even numbered year after the bill is required to be submitted, the reorganizations shall be deemed disapproved and shall be of no effect, and the commissioner shall not thereafter issue a reorganization order accomplishing the same result.*

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

Subd. 3. The commissioner of finance shall determine the *what* fractional part of the appropriation to the *transferor* department or agency from which the power or duty is transferred represented by *that is attributable to the transferred personnel, power, or duty,* and that part of the appropriation is hereby reappropriated to the transferee department or agency.

Sec. 20. Minnesota Statutes 1976, Section 16.24, is amended to read:

16.24 [POWERS OF COMMISSIONER OF ADMINISTRATION.] The commissioner shall have the power to supervise and

control the accounts and expenditures of the several officials, departments, and agencies of the state government and of the institutions under their control; the making of all contracts and the creation or incurrence of all financial or contractual obligations; the purchase, rental, or furnishing of all property, equipment, supplies, or materials, and all telegraph, telephone, or lighting service; the construction and erection of all buildings and structures by or for the state or any such department, agency, or institution; the sale, disposition, use, or storage of all property belonging to the state; and at any time to examine the accuracy and legality of all accounts, receipts, and expenditures of state moneys and the use or disposition of state property; and he shall have the power, ~~subject to the approval of the governor,~~ to provide for his offices and necessary furniture, fixtures, and supplies, and to appoint and employ such officers, agents, assistants, clerks, and other employees as he may deem necessary for the performance of his duties, and to fix their salaries and define their duties. The commissioner, ~~with the approval of the governor,~~ shall have authority to appoint an assistant or a deputy, ~~with full authority to perform any of the duties imposed upon him; provided, that the governor may, without cause, and to remove such assistant or the deputy,~~ and shall have the power to examine, investigate, or make a survey of the organization, administration, and management of the various departments and agencies of the state government and the institutions under their control, to the end that greater efficiency and economy may be secured, better organization, reorganization, or consolidation of departments or functions effected, and all duplication of function, effort, or activity, so far as possible, eliminated; and, for this purpose, to hold hearings and prescribe rules and regulations for the conduct thereof, issue subpoenas for and compel the attendance of witnesses and giving of testimony and the production of books, records, accounts, documents, and papers; and the commissioner may administer oaths to witnesses or take their affirmations. If any person shall fail or refuse to appear or testify regarding that upon which he may be lawfully interrogated, or to produce any books, records, accounts, documents, or papers material in the matter heard or to be heard by the commissioner, after having been lawfully required by order or subpoena, any judge of the district court in any county of the state, on application of the commissioner, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of a similar order or subpoena issued by such court. The commissioner shall recommend to the legislature such changes in the laws of the state as he may deem necessary, if any, as a result of any such survey or investigation, or otherwise, in order to secure a better organization of the state government or greater efficiency or economy in administration.

Sec. 21. Minnesota Statutes 1976, Section 16.28, is amended to read:

16.28 [PURCHASES.] The commissioner of administration, ~~subject to the approval of the governor,~~ may make *adopt* rules, ~~regulations,~~ and orders regulating and governing the manner and

method of purchasing, delivering, and handling of, and the contracting for supplies, equipment, and other property for the various officials, departments, and agencies of the state government and institutions under their control. Such rules, regulations, and orders shall be uniform, so far as practicable, shall be of general or limited application, and shall include provisions for the following:

(1) The advertisement for and the receipt of bids for supplies and other property and the stimulation of competition with regard thereto;

(2) The purchase of supplies and other property without advertisement or the receipt of bids, where the amount involved will not exceed \$500, when in the judgment of the commissioner it is expedient;

(3) The purchase of supplies and other property without competition in cases of emergency requiring immediate action;

(4) The purchase of certain supplies, equipment, and other property by long or short term contracts, or by purchases of contracts made at certain seasons of the year, or by blanket contracts or orders covering the requirements of one or more departments, offices, and commissions;

(5) The time for submitting estimates for various supplies, equipment, and other property;

(6) ~~Regulation to secure~~ The securing of prompt delivery of commissary or other necessary supplies;

(7) Standardization of forms for estimates, orders, and contracts;

(8) Standardization of specifications for purchasing supplies, equipment, and other property;

(9) Standardization of quality, grades, and brands to eliminate unnecessary number of commodities or of grades or brands of the same commodity;

(10) The purchase of supplies and other property locally upon permission, specific or otherwise, of the commissioner;

(11) The use and disposal of the products of state institutions;

(12) The disposal of obsolete, excess, and unsuitable supplies, salvage, waste materials, and other property, and the transfer of same to other departments, offices, and commissions;

(13) The storage of surplus supplies, equipment, and other property not needed for immediate use;

(14) The testing of commodities or supplies or samples thereof;

(15) Hearings on complaints in respect to the quality, grade, or brand of commodities or supplies;

(16) The waiver of rules in special cases.

The commissioner shall have immediate supervision of all purchases and contracts made, and shall carry out and enforce such rules, regulations, and orders relative thereto as he may adopt.

Sec. 22. Minnesota Statutes, 1977 Supplement, Section 16.72, Subdivision 7, is amended to read:

Subd. 7. [SURCHARGE FOR VEHICLES OCCUPIED BY ONE PERSON.] The commissioner of administration shall impose a surcharge of 25 percent for vehicles occupied by only one person parking in a state parking facility in the capitol area, as described by section 15.50, subdivision 2. The revenue from this additional charge shall be placed by the commissioner in a special account. For the benefit of employees employed in the capitol area, the money in the account *is appropriated to the commissioner and* shall be used by the commissioner to acquire or lease commuter vans pursuant to section 16.756 and, within such limits and upon such conditions as the commissioner determines to be necessary, to reimburse state departments or agencies for costs resulting from agreements with the metropolitan transit commission or other operators pursuant to section 473.409. The commissioner may adopt rules necessary to administer the provisions of this subdivision, subdivision 5, and section 473.409.

Sec. 23. Minnesota Statutes, 1977 Supplement, Section 16.80, Subdivision 1, is amended to read:

16.80 [GENERAL SERVICES REVOLVING FUND; COMPUTER SERVICES REVOLVING FUND.] Subdivision 1. All fees prescribed pursuant to section 16.026, subdivision 3, for the rendering of the services therein provided shall be deposited in the state treasury by the collecting department or agency and credited to the general services revolving fund.

All moneys in the state treasury credited to the general services revolving fund and any moneys which may hereafter be deposited therein are appropriated annually to the commissioner of administration for the following purposes:

- (a) The operation of a central store and equipment service;
- (b) The operation of a central duplication and reproduction service;
- (c) The purchase of postage and related items, and the refund of postage deposits, necessary to the operation of a central mailing service;
- (d) The operation of a documents service as prescribed by section 16.026;
- (e) The performing of services for any other state department or agency. Money shall be expended for this purpose only when directed by the governor. The department or agency receiving the services shall reimburse the fund for their cost, and the commissioner shall make the appropriate transfers when requested. The term "services" as used in this clause means compensation paid officers and employees of the state government; supplies, materials,

equipment and other articles and things used by or furnished to any department or agency of the state government; and utility services, including telephone, telegraph, postal, electric light and power, and other services for the maintenance, operation and upkeep of buildings and offices of the state government.

(f) The payment of office space rental when more than one state department or agency maintains office space in one building and said building is not owned by the state. When rental payments are made from the fund, each state department or agency served by this procedure shall reimburse the fund for its proportionate share of rent paid.

All moneys in the computer services revolving fund are appropriated annually to the commissioner of administration for the operation of the division of computer services.

Except as specifically provided for by other statutory provisions, each department or agency shall reimburse the computer services and general services revolving funds for the cost of all services, supplies, materials, labor and depreciation of equipment including reasonable overhead costs which the commissioner of administration is authorized and directed to furnish a department or agency. The cost of all publications or any other materials which may be produced by the commissioner of administration and financed from the general services revolving fund shall include reasonable overhead costs. The commissioner of finance shall make appropriate transfers to the revolving funds described in this section when requested by the commissioner of administration. The commissioner of administration may make allotments, encumbrances, and, with the approval of the commissioner of finance, disbursements in anticipation of such transfers. In addition, the commissioner of administration may require a department or agency to make advance payments to any of the aforesaid revolving funds sufficient to cover the department's or agency's estimated obligation for a period of at least 60 days. All such reimbursements and any other moneys received by the commissioner of administration under this section shall be deposited in the appropriate revolving fund.

Sec. 24. Minnesota Statutes, 1977 Supplement, Section 16A.126, is amended to read:

16A.126 [COMMISSIONER TO APPROVE BILLING RATES FOR REVOLVING FUNDS.] The commissioner of finance shall approve the rates at which services are billed state departments or agencies by any revolving fund. In order to reduce revolving fund reserves maintained for unforeseen needs and thereby reduce the rates which using agencies must pay, the commissioner may transfer moneys not otherwise appropriated in the general fund to a revolving fund if, in the commissioner's judgment, a bona fide, immediate expenditure is necessary and if there are insufficient moneys in the revolving fund to meet the expenditure. Any moneys so transferred, shall be repaid to the general fund within ~~two~~ *three* calendar years from the revolving fund charges paid by benefited state departments and agencies.

Sec. 25. Minnesota Statutes 1976, Section 85.021, Subdivision 2, is amended to read:

Subd. 2. [CONVEYANCE OF EXCESS.] Within one year after acquiring excess real estate pursuant to subdivision 1, the commissioner of administration shall ~~notify the governor that the excess real estate is available for sale. The commissioner shall then publish notice of sale for three successive weeks in a newspaper of general circulation in the territory from which bids are likely to be received. After receipt of sealed bids, and upon recommendation of the commissioner of administration, the governor shall convey the excess real estate by quitclaim deed in a form approved by the attorney general in the name of the state to the highest responsible bidder. The deed may contain restrictive clauses limiting the use of the real estate in the interest of preserving the integrity of the trail when the commissioner finds that the restrictions are reasonably necessary.~~

Sec. 26. 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. 27. 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. 28. Minnesota Statutes 1976, Section 168.27, 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 chap-

ter 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. 29. Minnesota Statutes 1976, Section 327.31, Subdivision 4, is amended to read:

Subd. 4. "Commissioner" means the commissioner of administration in respect to sections 327.31 to 327.34 and the commissioner of securities in the department of commerce in respect to sections 327.51 to 327.55.

Sec. 30. The responsibility for administering Minnesota Statutes, Sections 327.51 to 327.55 is hereby transferred from the commissioner of administration to the commissioner of securities in the department of commerce.

Sec. 31. [REPORT.] The commissioners of securities and administration shall prepare and submit to the legislature no later than June 30, 1979, a report with recommendations discussing the desirability of regulating the sale and installation of mobile homes. The report shall evaluate the need for regulating each aspect and each profession involved in the sale and installation, and shall suggest specific statutory amendments where appropriate. The commissioner shall appoint an advisory task force to advise on the preparation of the report. The task force shall be representative of persons and agencies interested in mobile home usage, sales and installations, and shall be governed by the provisions of section 15.059. This section shall expire January 1, 1979.

Sec. 32. Minnesota Statutes 1976, Section 360.305, Subdivision 2, is amended to read:

Subd. 2. Before any expenditure of any of the moneys appropriated pursuant to sections 360.301 to 360.306 to assist political subdivisions, municipalities, and public corporations in acquiring, constructing, improving, maintaining, and operating airports and other air navigation facilities may be authorized, the commissioner of transportation shall have made, with the approval of the

governor, an order designating the municipalities and airports which are a part of the key airport system, the intermediate airport system, the landing strip system, and the state system of radio and navigational aids, in accordance with the definitions and limitations stated in subdivision 3.

Sec. 33. Laws 1977, Chapter 305, Section 44, is amended to read:

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

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

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

If any deputy loses his title as a result of Laws 1977, Chapter 305, he shall remain eligible for achievement awards pursuant to Minnesota Statutes, Section 43.069, for as long as he holds the re-designated position if he was eligible for achievement awards prior to May 28, 1977.

Sec. 34. [METROPOLITAN ADMINISTRATIVE PROCEDURES.] Subdivision 1. [TASK FORCE; STUDY.] *There is created a task force on metropolitan administrative procedures to consist of the following members: the chairman of the metropolitan council or his designee who shall serve as chairperson of the task force; one member or representative of each of the following metropolitan commissions to be appointed by the respective commissions: airports, sports facilities, transit and waste control; one member each to be appointed by the governing bodies of the league of Minnesota cities and the association of Minnesota counties; the attorney general or his designee; the chief hearing examiner or his designee; and six persons appointed by the following legislators to represent other public and private groups which have demonstrated an interest in metropolitan administrative procedures: two*

appointed by the majority leader of the senate, two by the speaker, and one each by the minority leaders of the senate and house. Necessary staff and administrative support services shall be provided by the metropolitan council.

Subd. 2. [STUDY GOALS.] In addition, the task force shall study and evaluate the administrative procedures used by the council and the commissions in the issuance of policies, rules and other general statements, and in the issuance of decisions affecting individual rights and privileges. The task force shall study, evaluate and make recommendations in respect to each of the following: (1) retention of procedures currently in use by the council and commissions, (2) adoption of procedural changes in respect to individual activities or types of activities, (3) passage of a general procedures enabling law pursuant to which the council and the commissions would formulate specific procedures for their various types of activities, (4) passage of a metropolitan procedure act to apply to all covered activities, and (5) application of all or part of the state administrative procedure act to council and commission activities. In evaluating each of the preceding the task force shall determine the degree to which each provides the public with the degree of fairness, uniformity, predictability, access, visibility, responsiveness and deliberateness necessary for the proper administration of council and commission activities. In considering these alternatives, the task force shall hold hearings to receive public testimony and shall give adequate notice of these hearings to interested groups and persons. In performing this study the task force shall also review and comment on the experience of the council and commissions in applying the administrative procedure act as permitted by Laws 1977, Chapter 443, Section 11 and as required by other law.

Subd. 3. [WORK PLAN.] Before June 1, 1978, the task force shall prepare and submit for review to the senate governmental operations committee and the house local and urban affairs committee a proposed study design and detailed work program. Periodically through the course of the study, the task force shall report on progress to the legislative committees. The task force shall prepare a report which shall discuss each of the options listed in subdivision 3 in respect to the evaluative criteria stated therein and any other relevant matters the task force wishes to bring to the attention of the legislature, the council or the commissions. The report shall also contain the recommendations and suggested statutory amendments of the task force and shall be submitted to the legislature, the council and commissions no later than January 15, 1979.

Subd. 4. [EXPIRATION.] This section shall expire June 30, 1979.

Sec. 35. A financial institution in the state which is required by the federal home loan mortgage act, Public Law 94-200, as amended, to compile certain information relating to mortgage loans shall submit copies of that information to the secretary of state. The commissioner shall make this information readily available for public viewing and for copying at cost.

Sec. 36. *A financial institution in the state shall annually submit, together with the first report required to be submitted to the commissioner of banks after the end of its fiscal year, a report detailing the following information in respect to its average daily deposits over that fiscal year:*

(a) the total amount of money on deposit from governmental units and the aggregate rate of interest paid thereon; and

(b) identification of the deposits by individual government units, types of account, and rate of interest. The commissioner of banks shall supply a copy of the report to the commissioner of finance.

Sec. 37. [EFFECTIVE DATE.] *Sections 8, 26, 27 and 28 shall be effective for all rule making proceedings initiated after April 1, 1978. Sections 29 and 30 are effective July 1, 1979, or at such earlier date as the commissioners of securities and administration certify that the transfer is appropriate. Sections 35 and 36 are effective July 1, 1978. The remainder of this act is effective the day following final enactment."*

Further, strike the title and insert:

"A bill for an act relating to the organization and operation of state government; clarifying the expiration dates of the terms of governor's appointees and executive orders; making members of the historical and agricultural societies subject to certain reporting requirements; requiring certain printing volume and cost factors to be printed on documents; removing the requirement that the governor approve rules of the commissioner of administration; requiring legislative ratification of reorganization orders; providing for reduction of certain allotments; relieving the governor of certain signatory duties in respect to certain classes of conveyances; clarifying the liability of members of the investment advisory council; amending reporting requirements; allowing the state to make advance payments or deposits for certain items; providing for centralized rental payments to be made from the general services revolving fund; extending the time in which to repay loans from the general fund to revolving funds; allowing the commissioner of administration to publish agency descriptions biennially instead of annually; modifying various provisions of the administrative procedure act and altering its applicability; modifying procedures used by the water resources board and the department of public safety; providing for a study of metropolitan agency procedures; transferring certain mobile home regulatory duties; requiring a study on mobile home regulation; requiring financial institutions to provide information relating to home mortgage loans and public deposits; amending Minnesota Statutes 1976, Sections 7.09, Subdivision 1; 10A.01, Subdivision 18; 15.0413, Subdivisions 1 and 2; 16.02, Subdivision 14; 16.026, Subdivision 2; 16.05; 16.096; 16.24; 16.28; 85.021, Subdivision 2; 112.801, Subdivision 8; 136.63, Subdivision 1a; 168.27, Subdivision 13; 327.31, Subdivision 4; 360.305, Subdivision 2; Minnesota Statutes, 1977 Supplement, Sections 4.035, Subdivision 3; 11.117, Subdivisions 4 and 6; 11.118; 11.145; 15.0411, Subdivision 2;

15.0412, Subdivisions 2, 4 and 5; 15.06, Subdivision 2; 16.125; 16.72, Subdivision 7; 16.80, Subdivision 1; 16A.126; and Laws 1977, Chapter 305, Section 44."

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

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

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.

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

Page 1, line 12, strike *"other than a"*

Page 1, line 13, strike *"commissioned officer"* and insert *"in the pay grade first lieutenant and below more than six months"*

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

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

H. F. No. 1916: A bill for an act relating to taxation; defining the use of sales ratio studies; requiring social security numbers; providing a procedure for handling ad valorem tax abatements; providing a uniform appeal and demand period; clarifying classification of certain homesteads; recodifying the classification of resort property; allowing a special levy for commuter van program; providing adjustments to the levy limit base; defining resident estate and resident trust for income tax purposes; defining income in computing low income credit; providing apportionment in computing minimum tax on preference items; allowing a carryback period for out-of-state losses; authorizing the commissioner of revenue to release information to assessors; amending Minnesota Statutes 1976, Sections 270.07, by adding a subdivision; 270.075, Subdivision 2; 270.076, Subdivision 1; 272.08; 273.13, Subdivision 19, and by adding a subdivision; 290.01, by adding subdivisions; 290.46; 290.47; 290.48, Subdivisions 1 and 2; 290A.11, Subdivision 1; 290A.12; 292.08, Subdivision 4; 292.09, Subdivision 3; 294.02; 294.021; 297.07, Subdivision 3; 297.09, Subdivision 5; 297.35, Subdivision 3; 297.37, Subdivision 5; 297A.31, Subdivision 1; 297A.33, Subdivision 1; and Chapter 270, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 124.212, Subdivision 11; 273.13, Subdivisions 4 and 6; 275.50, Subdivision 5; 275.51, Subdivision 3d; 290.012, Subdivision 2; 290.091; 290.17; 298.282, Subdivision 2; 298.48, Subdivision 4; repealing Laws 1977, Chapter 307, Section 27.

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

Pages 7 and 8, strike section 10 and insert:

"Sec. 10. Minnesota Statutes 1976, Section 273.13, Subdivision 6a, is amended to read:

Subd. 6a. [HOMESTEAD OWNED BY FAMILY FARM CORPORATION OR PARTNERSHIP.] (a) Each family farm corporation and each partnership operating a family farm shall be entitled to class 3b assessment and shall be eligible for the credit provided in subdivision 6 for one homestead occupied by a shareholder or partner thereof who is residing on the land and actively engaged in farming of the land owned by the corporation or partnership. Such a homestead shall not exceed ~~120~~ 160 acres, and shall be assessed as provided in subdivision 6, notwithstanding the fact that legal title to the property may be in the name of the corporation or partnership and not in the name of the person residing thereon. "Family farm corporation" and "family farm" shall mean as defined in section 500.24.

(b) In addition to property specified in paragraph (a), any other residences owned by corporations or partnerships described in paragraph (a) which are located on agricultural land and occupied as homesteads by shareholders or partners who are actively engaged in farming on behalf of the corporation or partnership shall also be assessed as class 3b property, and be entitled to the credit provided in subdivision 6, but the property eligible shall be limited to the residence itself and as much of the land surrounding the homestead, not exceeding one acre, as is reasonably necessary for the use of the dwelling as a home, and shall not include any other structures that may be located thereon."

Page 34, after line 15, insert

"Sec. 33. Minnesota Statutes 1976, Section 297B.035, is amended by adding a subdivision to read:

Subd. 3. Motor vehicles sold by a new motor vehicle dealer in contravention of section 168.27, subdivision 10, clause (1)(b) shall not be considered to have been acquired or purchased for resale in the ordinary or regular course of business for the purposes of this chapter, and the dealer shall be required to pay the excise tax due on the purchase of those vehicles."

Page 36, after line 23, insert:

"Sec. 37. Laws 1977, Chapter 423, Article I, Section 16, is amended to read:

Sec. 16. [EFFECTIVE DATE.] The Internal Revenue Code updated provision in section 1 is effective for taxable years beginning after December 31, 1976. Section 3 is effective for wages paid after December 31, 1977. Section 14 is effective for taxable years beginning after December 31, 1976. *Insofar as it applies to estates and trusts, section 11 is effective for taxable years beginning after December 31, 1978.* The remainder of this article is effective for taxable years beginning after December 31, 1977."

Renumber the sections in sequence

Page 36, line 26, strike "33"

Page 36, line 26, after "34" insert "35"

Page 36, line 27, strike "36" and insert "38"

Page 36, line 28, strike "35" and insert "36"

Page 36, line 30, after the period insert "*Section 10 is effective for taxes levied in 1978, payable in 1979 and subsequent years.*"

Page 36, line 31, strike "10 to" and insert "11 and"

Page 37, line 4, after the period insert "*Section 33 is effective for sales occurring after June 30, 1978, provided that excise taxes shall not be due or collected with respect to sales occurring prior to July 1, 1978. Section 37 is effective for taxable years beginning after December 31, 1977.*"

Amend the title as follows:

Page 1, line 6, strike "clarifying classification of certain"

Page 1, line 7, strike "homesteads" and insert "increasing size of family farm which qualifies for homestead treatment"

Page 1, line 16, after the semicolon insert "imposing the motor vehicle excise tax on future sales of certain motor vehicles; delaying effective date of estate and trust income allocation provision;"

Page 1, line 20, strike "19" and insert "6a"

Page 1, line 27, after "297A.33, Subdivision 1;" insert "297B.035, by adding a subdivision;"

Page 1, line 33, after the semicolon insert "and Laws 1977, Chapter 423, Article I, Section 16;"

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. 2053: A bill for an act relating to banks; open-end loan account arrangements; authorizing alternative finance charge for use of bank credit cards; amending Minnesota Statutes 1976, Section 48.185, Subdivision 3.

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

Page 2, after line 4, insert:

"Sec. 2. Minnesota Statutes 1976, Chapter 48, is amended by adding a section to read:

[48.186] [USURIOUS TRANSACTIONS.] *Any financial institution as defined in section 51A.02, subdivision 7, charging any interest or premium for any loan or forbearance in excess of the amount allowed by section 334.01, shall be liable for twice the*

recovery allowed pursuant to section 334.02. The provisions of sections 334.03 and 334.05 shall not apply to any financial institution.

Sec. 3. Minnesota Statutes 1976, Section 334.16, is amended to read:

334.16 [FINANCE CHARGES FOR OPEN END CREDIT SALES.] Subdivision 1. [LIMITATION OF RATES.] The imposition, charge or collection of a finance charge upon an account balance by a seller of goods, services or both shall be lawful, provided that:

(a) The sale is a consumer credit sale pursuant to an open end credit plan, agreement or arrangement between the buyer and seller under which (1) the seller may permit the buyer to make purchases from time to time from the seller or other sellers, (2) the buyer has the privilege of paying the balance in full or in installments, and (3) a finance charge may be computed by the seller from time to time on an outstanding unpaid balance; and

(b) The terms of the plan, agreement or arrangement provide for a periodic rate of finance charge which does not exceed one and one-half percent per month computed on an amount no greater than the average daily balance of the account during each monthly billing cycle; provided a minimum finance charge not in excess of 50 cents per month may be imposed, charged or collected.

Subd. 1a. [COMPUTATION OF AVERAGE DAILY BALANCE.] If a plan, agreement or arrangement provides that if full payment is made within a certain time a finance charge will not be imposed, and if full payment is not made within that time, then the calculation of the average daily balance for the purpose of the limitation on rates imposed by subdivision 1, clause (b) shall be made by excluding from the daily balances the amount of each sale from the date of the sale until the last day of the regular billing cycle during which the sale was made. The portion of any balance arising from the sale of goods which are returned shall be excluded from the unpaid balance as of the date the goods are returned.

Subd. 2. [DEFINITIONS AND COMPUTATIONS.] The definitions and the provisions on computation of percentage rates in the Truth-in-Lending Act, Title I of the Consumer Credit Protection Act, P.L. 90-321, and in Regulation Z of the Board of Governors of the Federal Reserve System adopted pursuant thereto, 12 CFR 226, as in effect on June 5, 1971, shall apply to the terms used in sections 334.16 to 334.18, and computations thereunder."

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing a penalty for usury; changing the charge for open-end credit sales; providing for computation of the average daily balance;"

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

Page 1, line 6, after "3" insert "; 334.16; and Chapter 48, by adding a section"

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

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

H. F. No. 2043: A bill for an act relating to the legislature; continuation in or return of members to their employment after legislative sessions; prescribing a period during which a member may not be discharged except for good cause; political discrimination; amending Minnesota Statutes 1976, Section 3.083.

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

Page 2, strike lines 1 to 6 and insert:

"Subd. 2. No employer may at any time discharge or otherwise discriminate against an employee who is or was a member of the legislature in retribution for statements made or beliefs held by the employee in his capacity as a member of the legislature.

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

Amend the title as follows:

Page 1, line 2, strike everything after the semicolon

Page 1, strike lines 3 to 5

Page 1, line 6, strike everything before the second semicolon and insert "prohibiting an employer from discharging or discriminating against legislators or former legislators in retribution for political statements or beliefs"

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

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

H. F. No. 1329: A bill for an act relating to licensed employments; licensing and regulation of master plumbers; regulation and licensing of contracting steamfitters; amending Minnesota Statutes 1976, Sections 326.40 and 326.48.

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

Page 2, line 8, strike "such" and insert "the"

Page 2, line 10, strike "state board" and insert "department"

Page 2, line 10, strike "and"

Page 2, line 11, strike "regulations"

Page 3, line 32, strike "such" and insert "the"

Page 4, line 11, strike "such" and insert "the"

Page 4, line 14, strike "and regulations"

Page 4, line 29, after "for" insert "a"

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

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

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.

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

Page 1, line 12, strike "every" and insert "each"

Page 2, line 17, strike "every" and insert "each"

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

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

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.

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

Page 1, after line 6, insert:

"Section 1. Laws 1969, Chapter 1088, Section 1, is amended to read:

Section 1. [CRYSTAL, CITY OF; FIREFIGHTER'S RELIEF ASSOCIATION.] Notwithstanding the contrary provisions of Minnesota Statutes, Chapter 424, and other laws regarding firemen's firefighter's relief associations organized and operating under the laws of the state of Minnesota, the firemen's firefighter's relief association of the city of Crystal, Minnesota, hereafter referred to as the association, shall provide the additional benefits set forth in this act to its members."

Page 1, line 20, after "life" insert "*of the member*"

Page 2, line 5, strike "his widow" and insert "*a member's surviving spouse*"

Page 2, line 9, strike "widow's" and insert "*surviving spouse's*"

Page 2, line 13, strike "her" and insert "*the*"

Page 2, line 13, after "life" insert "*of the surviving spouse*"

Page 2, line 13, strike "she remarry" and insert "*the surviving spouse remarries*"

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

Page 2, line 14, strike "her"

Page 2, line 15, after "remarriage" insert "*of the surviving spouse*"

Page 2, line 16, strike "widow" and insert "*surviving spouse*"

Page 2, line 17, strike "wife" and insert "*spouse*"

Page 2, line 18, strike "such" and insert "*the spouse of the member*"

Page 2, line 19, strike "his" and insert "*the member's*"

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

Page 2, line 22, strike "his" and insert "*the member's*"

Page 2, line 24, strike "children's" and insert "*surviving child's*"

Page 2, line 24, strike "his" and insert "*the*"

Page 2, line 24, strike "children" and insert "*child of a member*"

Page 2, line 28, strike "their mother" and insert "*the surviving parent*"

Page 2, line 29, strike "widow's" and insert "*surviving spouse's*"

Page 2, line 32, strike "widow's" and insert "*surviving spouse's*"

Page 3, line 4, strike the first "children" and insert "*child*"

Page 3, line 4, strike "or children"

Page 3, line 7, strike "his" and insert "*the member's*"

Page 3, line 8, strike "his" and insert "*the member's*"

Page 3, line 8, strike "he" and insert "*the member*"

Page 3, line 9, strike "Surviving children" and insert "*The term*"

Page 3, line 9, after "shall" insert "*also*"

Page 3, line 10, strike "children" and insert "*a child*"

Page 3, line 11, strike "children" and insert "*a child*"

Page 3, line 11, strike "predecease" and insert "*predeceases*"

Page 3, line 14, strike "children's" and insert "*surviving child's*"

Page 3, line 14, strike "his" and insert "*the*"

Page 3, line 15, strike "children" and insert "*child of a deceased member*"

Page 3, line 18, strike "survive" and insert "*survives*"

Page 3, line 19, strike "their mother" and insert "*the surviving parent*"

Page 4, line 3, after "award" insert "*payable upon the elimination of a volunteer position*"

Page 4, line 3, strike "member's reaching" and insert "*date that the member reaches*"

Page 4, line 10, strike "widow" and insert "*surviving spouse*"

Page 4, line 16, strike "widow's" and insert "*surviving spouse's*"

Page 4, line 20, strike "children's" and insert "*surviving child's*"

Page 4, line 20, strike "the" and insert "*a*"

Page 4, line 20, strike "children" and insert "*child*"

Page 4, line 26, strike "mother" and insert "*surviving parent*"

Page 4, line 30, after the second "the" insert "*surviving*"

Page 5, line 2, strike "the" and insert "*a*"

Page 5, line 2, strike "children" and insert "*child*"

Page 5, line 8, strike "said"

Page 5, line 9, strike "he" and insert "*the member*"

Page 5, line 10, strike "widow" and insert "*surviving spouse*"

Page 5, line 11, strike "widow" and insert "*surviving spouse*"

Page 5, line 12, strike "widow's" and insert "*surviving spouse's*"

Page 5, line 14, strike "children's" and insert "*surviving child's*"

Page 5, line 17, after "the" insert "*surviving*"

Page 5, line 24, strike "he" and insert "*the member*"

Page 6, line 2, strike "his"

Page 6, line 4, strike "such" and insert "*the*"

Page 6, line 5, strike "him" and insert "*the member*"

Page 6, line 5, strike "his"

Page 6, line 6, strike "*him*" and insert "*the member*"

Page 6, line 7, strike "*his*" and insert "*the member's*"

Page 6, line 8, strike "such" and insert "*the*"

Page 6, line 8, after "benefits" insert a comma

Page 6, line 8, strike "which" and insert "*provided however that the amount*"

Page 6, line 11, strike "his" and insert "*the occurrence of the*"

Page 6, after line 12, insert:

"Sec. 6. Laws 1969, Chapter 1088, Section 7, is amended to read:

Sec. 7. If the city shall convert the volunteer fire department to a full time, paid fire department and if any volunteer should become a full time ~~fireman~~ *firefighter*, ~~his~~ *the* volunteer time shall apply toward ~~his~~ *the member's* retirement under the terms

of the full time retirement program of the city; provided, however, that benefits shall be determined on a pro rata basis so that volunteer benefits are paid for the time worked as a volunteer and benefits under the full time retirement program of the city shall be paid for the time spent as a paid ~~fireman~~ *firefighter*.

Sec. 7. Laws 1969, Chapter 1088, Section 8, is amended to read:

Sec. 8. Subdivision 1. The treasurer of the city of Crystal and the secretary of the association, maintaining and administering the ~~firemen's~~ *firefighter's* pension fund, shall during the month of June of each year prepare and certify an estimate of the necessary appropriation which will be sufficient to meet the current normal cost determined by the entry age normal cost method based upon three percent interest assumption, plus an additional amount sufficient to retire the accumulated deficit within 40 years of the passage of this act. The estimate shall be reduced by aids or estimated aids from the state of Minnesota. During the first year after the passage of this act, and at least once every four years thereafter, the association shall obtain an actuarial survey and report to assist in the preparation of annual estimates required by this section, which survey and report shall be prepared in accordance with the provisions of Laws 1965, Chapter 751, as amended *minimum municipal obligation determined pursuant to Minnesota Statutes, Section 69.773. The association shall have an actuarial survey made and filed in accordance with Minnesota Statutes, Section 69.773, Subdivision 2.*

The records of account shall be maintained under the direction of the city treasurer and the secretary of the association. The system of accounting employed shall be in accordance with generally accepted accounting principles, and shall employ applicable actuarial assumptions in a manner which will provide an actuarial measurement of the liabilities for accumulated pension reserves needed for in-service members, the liabilities for rights which have become vested, and the overall financial solvency of the fund. Within 90 days following the end of each fiscal year the city treasurer shall submit a report to the city council which shall reflect the financial condition of the relief association fund.

Subd. 2. The city shall levy a tax for the ~~firemen's~~ *firefighter's* pension fund equal to the net amount so certified, in the manner and at the time it levies other taxes. When the fund has reached a point sufficient to fully fund the association, the tax levy shall be established at an amount sufficient to maintain the fund in a completely funded status as new obligations are incurred. The proceeds of this tax shall be paid into the ~~firemen's~~ *firefighter's* pension fund.

Sec. 8. Laws 1969, Chapter 1088, Section 10, is amended to read:

Sec. 10. Moneys in the pension fund shall be disbursed only for purposes and in the manner authorized by the articles of incorporation or bylaws of the association. The funds ~~assets~~ of

the association shall be invested in securities which are permitted by law as investments for ~~funds assets~~ of the Minnesota state retirement system and ~~funds assets~~ of Minnesota ~~firemen's fire-fighters~~ relief associations."

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 4, after "sections" insert "1,"

Page 1, line 4, strike "and"

Page 1, line 4, after "6" insert ", 7, 8 and 10"

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

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

H. F. No. 1783: A bill for an act relating to the city of Brainerd; service credit in the public employees police and fire fund for the fire chief therein.

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

Page 2, after line 5, insert:

"Sec. 2. [LIMITATION ON VOLUNTEER FIREFIGHTER'S RELIEF ASSOCIATION.] Any person to whom section 1 applies shall not be entitled to accrue any further service credit in the Brainerd volunteer firefighter's relief association after the effective date of this act.

Sec. 3. This act is effective upon approval by the Brainerd city council and upon compliance with Minnesota Statutes, Section 645.021."

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

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

H. F. No. 1821: A bill for an act relating to the city of Brainerd; firefighters' service pensions; amending Laws 1973, Chapter 170, Section 1.

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

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

H. F. No. 2102: A bill for an act relating to labor; clarifying the definition of public employer in the public employees labor relations act; amending Minnesota Statutes 1976, Section 179.63, Subdivision 4.

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

Pages 1 and 2, strike subdivision 4 and insert:

Subd. 4. "Public employer" or "employer" means (a) the commissioner of personnel of the state of Minnesota and its political subdivisions and any agency or instrumentality of either; including in respect to employees of the state not otherwise provided for herein; (b) the board of regents of the University of Minnesota, the state universities and community colleges and school districts and their respective representatives in respect to employees thereof; and (c) the governing body of a political subdivision or agency or instrumentality thereof which has final budgetary approval authority, in respect to employees of that subdivision, agency or instrumentality. The term does not include a "charitable hospital" as defined in section 179.35, subdivision 2. Nothing in this subdivision shall be construed to impair the powers granted pursuant to law to an appointing authority who is not an employer under this subdivision, in respect to the selection, direction, discipline or discharge of an employee.

Sec. 2. This act is effective May 1, 1978."

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred H. F. No. 2273 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
2273	2047				

and that the above 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. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which were referred H. F. Nos. 2377, 2197, 2196, 1823 and 2299 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.
2377	2251				
2197	1954				
2196	2105				
1823	1733				
2299	2117				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2377 be amended as follows:

Page 1, line 10, delete "*board of supervisors*" and insert "*electors*"

Page 1, line 11, before the period insert "*at the annual town meeting or special town meeting called for that purpose*"

Further, amend the title as follows:

Line 3, delete "*board of supervisors*" and insert "*electors of the town*"

And when so amended H. F. No. 2377 will be identical to S. F. No. 2251, and further recommends that H. F. No. 2377 be given its second reading and substituted for S. F. No. 2251, 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. 2197 be amended as follows:

Page 3, line 11, delete "*heretofore or hereafter*"

And when so amended H. F. No. 2197 will be identical to S. F. No. 1954, and further recommends that H. F. No. 2197 be given its second reading and substituted for S. F. No. 1954, 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. 2196 be amended as follows:

Delete page 3, line 15 to page 4, line 11

Page 16, after line 25, insert

"Sec. 5. Laws 1976, Chapter 158, Section 4, is amended to read:

Sec. 4. Subdivision 1. The state of Minnesota hereby waives immunity and consents to commencement of a suit in the case set forth in this section. Any suit shall be commenced within six months from the date of final enactment. The state and the department of public welfare may be named as defendants in any suit commenced under this section and shall be served by the service of a summons and complaint upon the attorney general. The sums necessary to pay any resulting judgment are hereby appropriated from the fund designated. In no case shall the judgment exceed the monetary ceiling set forth in this section; provided further that the parties are *shall not authorized to settle this case prior to trial but without the approval of the court before which the case is pending. In the event the case is tried, the parties are directed to litigate fully the following issues: Was the state of Minnesota negligent in allowing a patient to escape from*

the Anoka state hospital? If so, was ~~this~~ *the* negligence the proximate cause of the fire at the Rum River Lumber Company? If so, what are the monetary damages for loss of income and property loss? The state and the department are further instructed to take all applicable appeals available to them. This waiver of immunity is not an admission of liability on the part of the state or its departments. Further, the ceilings set forth below should not be construed in any way as a determination by the legislature as to the amount of loss suffered by the claimant. In any such action, the state or its departments may interpose any legal or equitable defense except the defenses of sovereign immunity and the statute of limitations.

Subd. 2. Rum River Lumber Company, Anoka, Minnesota, for loss of income and property damage not covered by insurance resulting from a fire allegedly set by an escapee from the Anoka state hospital. Any judgment rendered in this matter shall not exceed ~~\$25,000~~ \$15,835 for loss of income and ~~\$16,000~~ \$131,808 for property damage. Any such judgment shall be satisfied from any moneys in the state treasury not otherwise appropriated."

Renumber remaining section

Underscore all new text

Further, amend the title as follows:

Line 3, before the period insert "altering conditions for waiver of immunity from suit by Rum River Lumber Company; amending Laws 1975, Chapter 158, Section 4"

And when so amended H. F. No. 2196 will be identical to S. F. No. 2105, and further recommends that H. F. No. 2196 be given its second reading and substituted for S. F. No. 2105, 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. 1823 be amended as follows:

Page 2, line 8, restore the stricken "or"

Page 2, line 9, delete "notarized"

Page 2, line 12, delete "of" and after "the" restore the stricken language and insert "child"

Page 2, line 13, restore the stricken language

Page 2, line 14, restore the stricken "immunization" and delete the new language

Page 2, delete line 15

Page 2, line 16, delete everything before the period

Page 3, line 7, after "to" insert "this" and delete "123.70"

Page 3, line 8, delete "*public's*" and after "*health*" insert "*of the public*"

And when so amended H. F. No. 1823 will be identical to S. F. No. 1733, and further recommends that H. F. No. 1823 be given its second reading and substituted for S. F. No. 1733, 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. 2299 be amended as follows:

Page 1, line 21, restore the stricken language

And when so amended H. F. No. 2299 will be identical to S. F. No. 2117, and further recommends that H. F. No. 2299 be given its second reading and substituted for S. F. No. 2117, and that the Senate File be indefinitely postponed.

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

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

S. F. No. 1826: A bill for an act relating to marriage and divorce; revising provisions allowing minors to marry; modifying prohibitions of marriage between certain parties; modifying requirements to receive a marriage license; requiring blood tests of applicants for a license to marry; modifying penalties for certain offenses; providing that children born of a prohibited marriage are legitimate; revising procedures and grounds for annulment actions; declaring the legal rights of putative spouses; providing new procedures for actions of dissolution and legal separation; limiting grounds for a dissolution to a finding that the marriage is irretrievably broken; modifying procedures for custody proceedings; declaring the right of a custodial parent to determine a child's upbringing; defining marital property; defining provisions for an award of maintenance to a spouse; amending Minnesota Statutes 1976, Sections 517.02; 517.03; 517.04; 517.05; 517.06; 517.07; 517.09; 517.13; 517.14; 517.15; 517.16; 517.17; 517.19; 518.001; 518.01; 518.02; 518.03; 518.05; 518.06, Subdivision 1, and by adding a subdivision; 518.07; 518.09; 518.10; 518.11; 518.12; 518.13; 518.14; 518.16; 518.165; 518.17; 518.175, Subdivisions 1 and 3, and by adding a subdivision; 518.18; 518.24; 518.27; 518.54; 518.55; 518.57; 518.58; 518.61; 518.62; 518.63; 518.64; 518.65; Chapter 517, by adding a section; and Chapter 518, by adding sections; and Minnesota Statutes, 1977 Supplement, Sections 517.01; 517.08, Subdivisions 1 and 3; 518.155; and 518.551; repealing Minnesota Statutes 1976, Sections 518.06, Subdivision 2; 518.15; 518.29; 518.59; and 518.67.

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 517.01, is amended to read:

517.01 [MARRIAGE A CIVIL CONTRACT.] Marriage, so far as its validity in law is concerned, is a civil contract between a man and a woman, to which the consent of the parties, capable in law of contracting, is essential. Lawful marriage hereafter may be contracted only when a license has been obtained therefor as provided by law and when such the marriage is contracted in the presence of two witnesses and solemnized by one authorized, or whom the parties in good faith believe to be authorized, so to do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

Sec. 2. Minnesota Statutes 1976, Section 517.02, is amended to read:

517.02 [PERSONS CAPABLE OF CONTRACTING.] *Subdivision 1.* Every person who has will have attained the full age of 18 years at the time the marriage license becomes effective is capable in law of contracting marriage, if otherwise competent. A female person of the full age of 16 years may, with the consent of her parents, guardian, or the court, as provided in section 517.08, receive a license to marry, when, after a careful inquiry into the facts and the surrounding circumstances, her application for a license is approved by the judge of the juvenile court of the county in which she resides. A person who has attained the age of 16 years and has the consent to the marriage of both parents or guardian and judicial approval, is capable of contracting marriage, if otherwise competent.

Subd. 2. The judge of juvenile court of the county in which the application for license was made, after a reasonable effort has been made to notify the parents or guardian of each underaged party, may order the clerk to issue a marriage license and a marriage certificate form to a party aged 16 or 17 years who has no parent or guardian or has no parent or guardian capable of consenting to his marriage, only if the court finds that the underaged party is capable of assuming the responsibilities of marriage and the marriage would serve his best interests. Pregnancy alone does not establish that the best interests of the party would be served.

If the judge of juvenile court of the county in which she resides is absent from the county and has not by order assigned another probate judge or a retired probate judge to act in his stead, then the court commissioner or any judge of district court of the county may approve her the application for a license.

Sec. 3. Minnesota Statutes 1976, Section 517.03, is amended to read.

517.03 [PROHIBITED MARRIAGES.] No marriage shall be

contracted while either of the parties has a husband or wife living; nor within six months after either has been divorced from a former spouse; excepting re-intermarriage between such parties; nor within six months after either was a party to a marriage which has been adjudged a nullity; excepting intermarriage between such parties; nor between parties who are nearer than second cousins, whether of the half or whole blood, computed by the rules of the civil law; nor between persons one of whom is a male person under 18 years of age or one of whom is a female person under the age of 16 years; *The following marriages are prohibited:*

(a) *a marriage entered into prior to the dissolution of an earlier marriage of one of the parties;*

(b) *a marriage between an ancestor and a descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption;*

(c) *a marriage between an uncle and a niece, between an aunt and a nephew, or between first cousins, whether the relationship is by the half or the whole blood, except as to marriages permitted by the established customs of aboriginal cultures; provided, however, that mentally deficient persons committed to the guardianship of the commissioner of public welfare and mentally deficient persons committed to the conservatorship of the commissioner of public welfare in which the terms of the conservatorship limit the right to marry, may marry on receipt of written consent of the commissioner. The commissioner shall grant such consent unless it appears from his investigation that such the marriage is not in the best interest of the ward or conservatee and the public. The clerk of the district court in the county where the application for a license is made by such the ward or conservatee shall not issue the license unless and until he has received a signed copy of the consent of the commissioner of public welfare.*

Sec. 4. Minnesota Statutes 1976, Section 517.04, is amended to read:

517.04 [SOLEMNIZATION.] *Marriages may be solemnized by any justice of the peace in the county in which he is elected, and throughout the state by any a judge of a court of record, a clerk of court, the superintendent of the department for the deaf and dumb, in the state school for the deaf and blind the residential school administrators of the Minnesota School for the deaf and the Minnesota braille and sight-saving school, or any a licensed or ordained minister of the gospel in regular communion with a religious society any religious denomination, or by any mode recognized in section 517.18.*

Sec. 5. Minnesota Statutes 1976, Section 517.05, is amended to read:

517.05 [CREDENTIALS OF MINISTER.] *Ministers of the gospel any religious denomination, before they are authorized to perform the solemnize a marriage rite, shall file a copy of their credentials of license or ordination with the clerk of the district court of same a county in this state, who shall record the same and*

give a certificate thereof ; and . The place where such the credentials are recorded shall be endorsed upon and recorded with each certificate of marriage granted by a minister.

Sec. 6. Minnesota Statutes 1976, Section 517.06, is amended to read:

517.06 [PARTIES EXAMINED.] Every person authorized by law to perform the marriage ceremony, before solemnizing any a marriage, may examine the parties on oath, which oath he is authorized to administer, as to the legality of such the intended marriage, and no such person shall solemnize a marriage unless he is satisfied that there is no legal impediment thereto to it .

Sec. 7. Minnesota Statutes 1976, Section 517.07; is amended to read:

517.07 [LICENSE.] Before any persons shall be are joined in marriage, a license shall be obtained from the clerk of the district court of the county in which the woman resides, or, if not a resident of this state, then from the clerk of the district court of any county and . The marriage need not take place in the county where the license is obtained.

Sec. 8. Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 1, is amended to read:

517.08 [APPLICATION FOR LICENSE.] Subdivision 1 1a . Application for a marriage license shall be made at least five days before a license shall be issued. Such application shall be made upon a form provided for the purpose and shall contain the following information:

the full names of the parties,

their post office addresses and county and state of residence,

their full ages,

if either party has previously been married, his married name, and the date, place and court in which the marriage was dissolved or annulled or the date and place of death of the former spouse,

if either party is a minor, the name and address of the minor's parents or guardian,

whether the parties are related to each other, and, if so, their relationship,

the name and date of birth of any child of which both parties are parents, born before the making of the application, unless their parental rights and the parent and child relationship with respect to the child have been terminated,

address of the bride and groom after the marriage to which the clerk shall send a certified copy of the marriage certificate,

and the full names the parties will have after marriage.

Subd. 1b. The clerk shall examine upon oath the party applying for a license relative to the legality of such the contemplated marriage and, . If at the expiration of this a five-day period, he is satisfied that there is no legal impediment thereto to it, he shall issue such the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance thereof, which . The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, the a judge of the probate county court, the court commissioner, or any a judge of the district court, of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The clerk shall collect from the applicant a fee of \$11 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If illness or other extenuating circumstances, it may be surrendered to the clerk for cancellation, and in such that case a new license shall issue upon request of the parties of the original license without fee therefor . Any A clerk who shall knowingly issue or sign issues or signs a marriage license in any other manner other than as provided in this section provided shall forfeit and pay to for the use of the parties aggrieved an amount not to exceed \$1,000.

Sec. 9. Minnesota Statutes, 1977 Supplement, Section 517.08, Subdivision 3, is amended to read:

Subd. 3. The personal information necessary to complete the report of marriage shall be furnished by the applicant prior to the issuance of the license. The report shall contain only the following information:

(a) Personal information on bride and groom.

1. Name.
2. Residence.
3. Date and place of birth.
4. Race.
5. If previously married, how terminated.
6. Name after marriage.
7. Signature of applicant and date signed.

(b) Information concerning the marriage.

1. Date of marriage.
2. Place of marriage.
3. Civil or religious ceremony.

(c) Signature of clerk of court and date signed.

~~(d) Address of the bride and groom after the marriage to which the clerk shall send a certified copy of the marriage certificate.~~

Sec. 10. Minnesota Statutes 1976, Section 517.09, is amended to read:

517.09 [SOLEMNIZATION.] *In the solemnization of marriage No particular form shall be is required to solemnize a marriage , except : that the parties shall declare in the presence of a person authorized by section 517.04 to solemnize marriages ; and the two attending witnesses that they take each other as husband and wife ; or the marriage shall be solemnized in a manner provided by section 517.18 . In each case at least two witnesses shall be present besides the person performing the ceremony.*

Sec. 11. Minnesota Statutes 1976, Section 517.13, is amended to read:

517.13 [PENALTY FOR FAILURE TO DELIVER AND FILE CERTIFICATE.] *Every person solemnizing a marriage who shall neglect neglects to make and deliver to the clerk a certificate thereof within the time above specified set forth in section 517.10 shall forfeit a sum not exceeding \$100, and every clerk who neglects to record such a certificate shall forfeit a like sum.*

Sec. 12. Minnesota Statutes 1976, Section 517.14, is amended to read:

517.14 [ILLEGAL MARRIAGE; FALSE CERTIFICATE; PENALTY.] *If any A person authorized by law to solemnize marriages join persons in who marriage shall knowingly solemnize any solemnizes a marriage contrary to the provisions of this chapter , or knowing of any legal impediment to the proposed marriage, or who wilfully make any makes a false certificate of any marriage, or pretended marriage, he shall forfeit for every such offense a sum not exceeding \$500, or may be imprisoned not exceeding one year is guilty of a misdemeanor .*

Sec. 13. Minnesota Statutes 1976, Section 517.15, is amended to read:

517.15 [UNAUTHORIZED PERSON PERFORMING CEREMONY.] *If any A person who undertakes to join others in marriage solemnize a marriage , knowing that he is not lawfully authorized to do so, or knowing of any legal impediment to the proposed marriage he shall be is guilty of a gross misdemeanor ; and, upon conviction thereof, punished by imprisonment of not more than one year, or by a fine of not more than \$500, or by both such fine and imprisonment .*

Sec. 14. Minnesota Statutes 1976, Section 517.16, is amended to read:

517.16 [IMMATERIAL IRREGULARITY OF OFFICIATING PERSON DOES NOT VOID.] *No A marriage solemnized before any a person professing to be a judge, justice of the peace, or minister of the gospel lawfully authorized to do so shall not be deemed or adjudged to be void, nor shall the its validity thereof be in any way affected, on account of any a want of jurisdiction or authority in such the supposed officer or person ; provided, if the marriage is consummated with the full belief on the part of*

the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 15. Minnesota Statutes 1976, Section 517.19, is amended to read:

517.19 [ILLEGITIMATE CHILDREN.] Illegitimate children shall become legitimized by the subsequent marriage of their parents to each other, and the issue of marriages declared null in law shall nevertheless be legitimate.

Children born of a prohibited marriage are legitimate.

Sec. 16. Minnesota Statutes 1976, Chapter 517, is amended by adding a section to read:

[517.20] [APPLICATION.] *All marriages contracted within this state prior to the effective date of this act or outside this state that were valid at the time of the contract or subsequently validated by the laws of the place in which they were contracted or by the domicile of the parties are valid in this state.*

Sec. 17. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.005] [RULES GOVERNING PROCEEDINGS.] *Subdivision 1. Unless otherwise specifically provided, the rules of civil procedure for the district court apply to all proceedings under chapter 518.*

Subd. 2. A proceeding for dissolution of marriage, legal separation, or annulment shall be entitled "In re the Marriage of. . . . and" A custody or support proceeding shall be entitled "In re the [Custody] [Support] of."

Subd. 3. The initial pleading in all proceedings under Minnesota Statutes, Sections 518.001 to 518.66 shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings shall be denominated as provided in the rules of civil procedure.

Subd. 4. In Minnesota Statutes, Sections 518.001 to 518.66, "decree" includes "judgment".

Sec. 18. Minnesota Statutes 1976, Section 518.01, is amended to read:

518.01 [VOID MARRIAGES.] All marriages which are prohibited by law on account of consanguinity, or on account of either or both parties being under the age established for marriage by section 517.08, or on account of either party having a former husband or wife then living, if solemnized within this state, section 517.03 shall be absolutely void, without any decree of dissolution or other legal proceedings; provided, that except if any a person whose husband or wife has been absent for four successive years, without being known to such a person to be living during that time, marries during the lifetime of such the absent husband or wife, the marriage shall be void only from the time that its nullity is duly adjudged. If the absentee is declared

dead in accordance with section 576.142, the subsequent marriage shall not be void.

Sec. 19. Minnesota Statutes 1976, Section 518.02, is amended to read:

518.02 [VOIDABLE MARRIAGES.] *When either party to a marriage is incapable of assenting thereto for want of age or understanding, or when the consent of either has been obtained by force or fraud, and there is no subsequent voluntary cohabitation of the parties, the marriage may be annulled at the suit of the injured party, and shall be void from the time its nullity is adjudged. A marriage shall be declared a nullity under the following circumstances:*

(a) a party lacked capacity to consent to the marriage at the time the marriage was solemnized, either because of mental incapacity or infirmity and the other party at the time of the marriage was solemnized did not know of the incapacity; or because of the influence of alcohol, drugs, or other incapacitating substances; or because consent of either was obtained by force or fraud and there was no subsequent voluntary cohabitation of the parties;

(b) a party lacks the physical capacity to consummate the marriage by sexual intercourse and the other party at the time the marriage was solemnized did not know of the incapacity;

(c) a party was under the age of 16 years or was aged 16 or 17 years and did not have the consent of his parents or guardian and judicial approval to marry.

Sec. 20. Minnesota Statutes 1976, Section 518.03, is amended to read:

518.03 [ACTION TO ANNUL; DECREE.] *When the validity of a marriage is disputed for any of the causes mentioned in section 518.01 or 518.02, either party may begin an action in the district court of the county where either resides, to annul the same. In such action a proceeding for annulment shall be commenced and the complaint shall be filed and proceedings had thereon as in proceedings for dissolution. and, Upon due proof of the nullity of the marriage, it shall be adjudged null and void.*

The provisions of Minnesota Statutes, Sections 518.54 to 518.66 relating to property rights of the spouses, maintenance, support and custody of children on dissolution of marriage are applicable to proceedings for annulment.

Sec. 21. Minnesota Statutes 1976, Section 518.05, is amended to read:

518.05 [ANNULMENT; WHEN TO BRING.] *No marriage shall be adjudged a nullity at the suit of the party capable of contracting, on the ground that the other party was under the age of legal consent, or was idiotic or insane, if such idiocy or insanity was known to the party capable of contracting at the time of such marriage. An annulment may be sought by any*

of the following persons and must be commenced within the times specified, but in no event may an annulment be sought after the death of either party to the marriage:

(a) for a reason set forth in section 19, clause (a), by either party or by the legal representative of the party who lacked capacity to consent, no later than 90 days after the petitioner obtained knowledge of the described condition;

(b) for the reason set forth in section 19, clause (b), by either party no later than one year after the petitioner obtained knowledge of the described condition;

(c) for the reason set forth in section 19, clause (c), by the underaged party, his parent or guardian, before the time the underaged party reaches the age at which he could have married without satisfying the omitted requirement.

Sec. 22. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.055] [PUTATIVE SPOUSE.] Any person who has cohabitated with another to whom he is not legally married in the good faith belief that he was married to that person is a putative spouse until knowledge of the fact that he is not legally married terminates his status and prevents acquisition of further rights. A putative spouse acquires the rights conferred upon a legal spouse, including the right to maintenance following termination of his status, whether or not the marriage is prohibited or declared a nullity. If there is a legal spouse or other putative spouses, rights acquired by a putative spouse do not supersede the rights of the legal spouse or those acquired by other putative spouses, but the court shall apportion property, maintenance, and support rights among the claimants as appropriate in the circumstances and in the interests of justice.

Sec. 23. Minnesota Statutes 1976, Section 518.06, Subdivision 1, is amended to read:

518.06 [DISSOLUTION OF MARRIAGE; LEGAL SEPARATION.] Subdivision 1. A dissolution of a marriage may be granted by a county or district court of competent jurisdiction upon a showing to the satisfaction of: (a) when the court finds that there has been an irretrievable breakdown of the marriage relationship; and (b) to the extent it has jurisdiction to do so, when the court has considered, approved, or made provision for child custody, the support of any child of the marriage who is entitled to support, the maintenance of either spouse, and the disposition of property.

Previously existing defenses to divorce, dissolution and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

Sec. 24. Minnesota Statutes 1976, Section 518.06, is amended by adding a subdivision to read:

Subd. 3. If a party requests a decree of legal separation rather

than a decree of dissolution of marriage, the court shall grant the decree in that form unless the other party objects.

Sec. 25. Minnesota Statutes 1976, Section 518.07, is amended to read:

518.07 [RESIDENCE OF PARTIES.] No dissolution shall be granted unless (1) ~~the petitioner~~ *one of the parties* has resided in this state ~~one year~~ *, or has been a member of the armed services stationed in this state, for 180 days immediately preceding the filing of the petition* commencement of the proceeding; or (2) *one of the parties has been a domiciliary of this state for not less than 180 days preceding commencement of the proceeding.*

Sec. 26. Minnesota Statutes 1976, Section 518.09, is amended to read:

518.09 [PROCEEDING; HOW AND WHERE BROUGHT; VENUE.] A proceeding for dissolution or ~~separate maintenance~~ *legal separation* may be brought by a ~~petitioner~~ *petitioner either or both spouses* and all such proceedings shall be commenced by summons and petition in the county where the petitioner resides, ~~as hereinafter provided~~ *, or, if the petitioner is not a resident of the state, then in the county where the respondent resides. This venue shall be subject to the power of the court to change the place of hearing by consent of the parties, or when it shall appear appears to the court that an impartial hearing cannot be had in the county where the proceedings are pending, or when the convenience of the parties or the ends of justice would be promoted by the change.*

Sec. 27. Minnesota Statutes 1976, Section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.] The petition for dissolution of marriage ~~or legal separation~~ shall:

(1) State the name and address of the petitioner and his attorney ~~and the length of petitioner's residence in this state~~ ;

(2) State the place and date of marriage of the parties;

(3) State the name and address, if known, of the respondent ~~and the length of residence in this state~~ ;

(4) State the name and age of each ~~minor~~ *child* by date of birth ~~whose welfare may be affected by the controversy~~ *, whether any child is under the jurisdiction of a juvenile court, and whether the wife is pregnant* ;

(5) State whether or not a separate proceeding for dissolution of marriage has been commenced by the respondent and whether such proceeding is pending in any court in this state or elsewhere;

(6) Allege that the ~~petition~~ *proceeding* has been filed ~~commenced~~ *in good faith and for the purposes set forth therein*;

(7) Allege that there has been an ~~irretrievable~~ *breakdown of the marriage relationship* , ~~and in a proceeding for legal separation, allege the need for legal separation~~ ;

(8) *State the date on which the parties separated;*

(9) *Set forth any arrangements between the parties as to the custody and support of the children and the maintenance of a spouse;*

~~(8)~~ (10) *Set forth any application for temporary support of the petitioner a spouse and any children; and*

~~(9)~~ (11) *Set forth any application for permanent alimony maintenance or support, child custody, or disposition of property, as well as attorneys' fees and suit money, without enumerating the amounts thereof ; and*

~~(10)~~ *State that the petitioner has been for the last year a resident of the state .*

The petition shall be verified by the petitioner, and its allegations established by competent evidence.

Sec. 28. Minnesota Statutes 1976, Section 518.11, is amended to read:

518.11 [SERVICE; PUBLICATION.] *If a proceeding is brought by one of the parties, copies of the summons and petition shall be served on the respondent personally ; and, . When such service is made out of this state and within the United States, it may be proved by the affidavit of the person making the same ; and . When service is made without the United States it may be proved by the affidavit of the person making the same, taken before and certified by any United States minister, charge d'affaires, commissioner, consul or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in such country, including all deputies or other representatives of such officer authorized to perform their duties; or before an officer authorized to administer an oath with the certificate of an officer of a court of record of the country wherein such affidavit is taken as to the identity and authority of the officer taking the same ; . But, if personal service cannot well be made, the court may order service of the summons by publication, which publication shall be made as in other actions.*

Sec. 29. Minnesota Statutes 1976, Section 518.13, is amended to read:

518.13 [FAILURE TO ANSWER; FINDINGS; HEARING.] *Subdivision 1. If the respondent does not appear after service duly made and proved, the court may hear and determine the proceeding at a general or special term, or in vacation ; provided, that .*

Subd. 2. If both of the parties by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken, or one of the parties has so stated and the other has not denied it, the court, after hearing, shall make a finding whether the marriage is irretrievably broken.

Subd. 3. If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall con-

sider all relevant factors, including the circumstances that gave rise to the commencement of the proceeding and the prospect of reconciliation, and shall

(a) make a finding whether the marriage is irretrievably broken, or

(b) continue the matter for further hearing not less than 30 or more than 60 days later, or as soon thereafter as the matter may be reached on the court's calendar and may suggest to the parties that they seek counseling. At the adjourned hearing, or after a further continuance ordered by the court, the court shall make a finding whether the marriage is irretrievably broken.

A finding of irretrievable breakdown is a determination that there is no reasonable prospect of reconciliation. The finding must be supported by evidence that (i) the parties have lived separate and apart for a period of more than 180 days immediately preceding the commencement of the proceeding, or (ii) there is serious marital discord adversely affecting the attitude of one or both of the parties toward the marriage.

Subd. 4. The court or judge, upon application, may refer the proceeding to a referee to take and report the evidence therein. Hearings for dissolution of marriage shall be heard in open court or before a referee appointed by the court to receive the testimony of the witnesses, or depositions taken as in other equitable actions. However, the court may in its discretion close the hearing. Hearings held for the purpose of determining child custody may be limited in attendance by the court to the affected parties and necessary witnesses if any.

Sec. 30. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.135] [TEMPORARY ORDER OR INJUNCTION; PENALTY.] Subdivision 1. In a proceeding brought for dissolution or legal separation or for disposition of property, maintenance, or support following the dissolution of a marriage by a court which lacked personal jurisdiction over the absent spouse, either party may move for temporary maintenance or temporary support of children of the marriage entitled to support or for a temporary order relative to property of the parties. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

Subd. 2. (a) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit either party may request the court to issue a restraining order:

(i) restraining a person from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and, if so restrained, requiring him to notify the moving party of proposed extraordinary expenditures and to account to the court for all extraordinary expenditures made after the order is issued;

(ii) *restraining a party from molesting or disturbing the peace or restraining the personal liberty of the other party or of a child;*

(iii) *excluding a party from the family home or from the home of the other party upon a showing that physical or emotional harm would otherwise result. A party may be excluded from the family home only upon due notice and hearing. If a party makes specific allegations of an immediate danger of physical harm, the court shall waive the requirement of notice and shall hold a hearing on the request for a restraining order at the earliest possible time.*

(b) *The court may issue an ex parte restraining order only if it finds on the basis of the moving affidavit or other evidence that immediate and irreparable injury would result to the moving party if an order is not issued before the adverse party can be heard in opposition and the moving party states to the court in writing the efforts that have been made to give notice or the reasons why notice should not be required.*

(c) *A response may be filed within 20 days after service of notice of motion or at the time specified in the ex parte restraining order.*

(d) *On the basis of the showing made and in conformity with section 52 on maintenance and section 40, subdivision 2 on support the court may issue a restraining order and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.*

(e) *A temporary order or restraining order:*

(i) *shall not prejudice the rights of the parties or the child which are to be adjudicated at subsequent hearings in the proceeding;*

(ii) *may be revoked or modified before the final decree on notice to the other party and on a showing by affidavit of the facts which support the necessity for revocation or modification; and*

(iii) *terminates when the final judgment is entered or when the petition for dissolution or legal separation is voluntarily dismissed.*

Subd. 3. *A person who violates an order issued pursuant to subdivision 2, clause (a), item (ii) or (iii) is guilty of a misdemeanor.*

Sec. 31. Minnesota Statutes 1976, Section 518.14, is amended to read:

518.14 [COSTS AND DISBURSEMENTS AND ATTORNEY'S FEES.] *In any a proceeding brought either for dissolution or separate maintenance legal separation under chapter 518, the court, in its discretion from time to time, after considering the financial resources of both parties, may require one party to pay a reasonable amount; necessary to enable the other spouse to carry on, or to contest the proceeding, and to support such spouse and the children during its pendency to pay attorney's fees, including sums for legal services rendered and*

costs incurred prior to the commencement or after entry of judgment . The court may adjudge costs and disbursements against either party. The court may authorize the collection of any money so awarded by execution, or out of any property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the proceeding or in the final judgment survives the proceeding and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought by the attorney in his own name. If the proceeding is dismissed or abandoned prior to determination and award of attorney's fees , the court may nevertheless award attorney's fees upon the attorney's motion and such . The award shall also survive the proceeding and may be enforced in the same manner as last above provided.

Sec. 32. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.145] [DECREE.] A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree which dissolves the marriage beyond the time for appealing from that provision. A party may remarry before the time for appeal has run if it is not contested that the marriage is irretrievably broken.

No earlier than six months after entry of a decree of legal separation, on motion of either party to dissolve the marriage, the court shall proceed as provided in section 518.13.

Sec. 33. Minnesota Statutes, 1977 Supplement, Section 518.155, is amended to read:

518.155 [CUSTODY DETERMINATIONS.] Notwithstanding any law to the contrary, a court in which a proceeding for dissolution or legal separation has been ~~or may~~ be commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.16, 518.165, 518.17, 518.175 or 518.18 or sections 39 or 45 of this act , which affects the custody of a minor child or the visitation rights of a noncustodial parent unless the court has jurisdiction over the matter pursuant to the provisions of sections 518A.01 to 518A.25.

Sec. 34. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.156] [COMMENCEMENT OF CUSTODY PROCEEDING.] *Subdivision 1. In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:*

(a) by a parent

(1) by filing a petition for dissolution or legal separation; or

(2) where a decree of dissolution has been entered or where

none is sought, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found; or

(b) by a person other than a parent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found.

Subd. 2. Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

Sec. 35. Minnesota Statutes 1976, Section 518.16, is amended to read:

518.16 [CUSTODY OF CHILDREN DURING PENDENCY.] *The court, on the application motion of either party, may make such an order concerning the care and custody of the minor children of the parties, and their suitable maintenance, during the pendency of such a proceeding, and such temporary orders relative to the persons or property of the parties, as shall be deemed necessary and proper. The motion must be supported by an affidavit. The court may award temporary custody after a hearing, or, if there is no objection, solely on the basis of the affidavits.*

If a proceeding for dissolution of marriage or legal separation is dismissed, a temporary custody order is vacated unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interests of the child require that a custody order be issued.

Sec. 36. Minnesota Statutes 1976, Section 518.165, is amended to read:

518.165 [GUARDIANS FOR MINOR CHILDREN.] *In all actions proceedings for divorce dissolution or separate maintenance legal separation in which custody or visitation of a minor child is in issue, the court may appoint a guardian ad litem from a panel established by the court to represent the interests of any such the child. The guardian ad litem shall advise the court with respect to custody, support and visitation. The court may assess costs incident hereto against either or both parties. The court shall enter an order for costs, fees and disbursements in favor of the child's guardian ad litem. The order shall be made against either or both parties, except that, if the responsible party is indigent, the costs, fees, and disbursements shall be borne by the county.*

Sec. 37. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.166] [INTERVIEWS.] *The court may interview the child in chambers to ascertain the child's wishes as to his custodian. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case unless waived by the parties.*

The court may seek the recommendations of professional personnel whether or not they are employed on a regular basis by the court. The recommendations given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination of professional personnel consulted by the court.

Sec. 38. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.167] [INVESTIGATIONS AND REPORTS.] *Subdivision 1. In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodial arrangements for the child. The investigation and report may be made by the county welfare agency or department of court services.*

Subd. 2. In preparing his report concerning a child, the investigator may consult any person who may have information about the child and his potential custodial arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past after obtaining the consent of the parents or the child's custodian or guardian. If the requirements of subdivision 3 are fulfilled, the investigator's report may be received in evidence at the hearing.

Subd. 3. The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days before the hearing. The investigator shall make available to counsel and to a party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subdivision 2, and the names and addresses of all persons whom the investigator has consulted. A party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive his right of cross-examination before the hearing.

Sec. 39. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.168] [HEARINGS.] *(a) Custody proceedings shall receive priority in being set for hearing.*

(b) The court may tax as costs the payment of necessary travel and other expenses incurred by a person whose presence at the hearing the court deems necessary to determine the best interests of the child.

(c) The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interest, the court may exclude the public from a custody hearing, but may admit any person who has a direct

interest in the particular case or a legitimate educational or research interest in the work of the court.

(d) If the court finds it necessary for the protection of the child's welfare that the record of an interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record.

Sec. 40. Minnesota Statutes 1976, Section 518.17, is amended to read:

518.17 [CUSTODY AND SUPPORT OF CHILDREN ON JUDGMENT.] Subdivision 1. *For the purposes of this section "The best interest of the children child" means the sum total of the following all relevant factors to be considered and evaluated by the court including :*

(a) The love, affection and other emotional ties existing between the competing parties and the child;

(b) The capacity and disposition of competing parties to give the child love, affection and guidance and continuation of the educating and raising of the child in its religion or creed, if any, or culture;

(c) The capacity and disposition of competing parties to provide the child with food, clothing, medical care or other remedial care recognized and permitted under the laws of this state in lieu of medical care, and other material needs;

(d) The length of time the child has lived in a stable satisfactory environment and the desirability of maintaining continuity;

(e) The permanency, as a family unit, of the existing or proposed custodial home;

(f) The cultural background of the child;

(g) The mental and physical health of the competing parties;

(h) The home, school and community record of the child;

(i) The reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;

(j) Any other factor considered by the court to be relevant to a particular child custody dispute.

(a) the wishes of the child's parent or parents as to his custody;

(b) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;

(c) the interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;

(d) the child's adjustment to his home, school, and community;

(e) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;

(f) *the permanence, as a family unit, of the existing or proposed custodial home; and*

(g) *the mental and physical health of all individuals involved.*

The court shall not consider conduct of a proposed custodian that does not affect his relationship to the child.

Subd. 2. Upon adjudging the nullity of a marriage, or a dissolution or separation, the court may make such further order as it deems just and proper concerning the care, custody, and maintenance of the minor children of the parties and may determine with which of the parents they, or any of them, shall remain. In determining the parent with whom a child shall remain, the court shall consider the best interest of the ~~children~~ *child* and shall not prefer one parent over the other solely on the basis of the sex of the parent. In determining the ~~amount of child support to be paid by each parent, the court shall consider the earning capacity and financial circumstances of each parent.~~ *On petition for any change in child support because of alleged change in circumstances the court shall take into consideration the earning capacity and financial circumstances of each parent and the custodial parent's spouse, if any. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for his support, without regard to marital misconduct, after considering all relevant factors including:*

(a) *the financial resources and needs of the child;*

(b) *the financial resources and needs of the custodial parent;*

(c) *the standard of living the child would have enjoyed had the marriage not been dissolved;*

(d) *the physical and emotional condition of the child, and his educational needs; and*

(e) *the financial resources and needs of the noncustodial parent.*

Sec. 41. Minnesota Statutes 1976, Section 518.175, Subdivision 1, is amended to read:

518.175 [VISITATION OF CHILDREN AND NONCUSTODIAL PARENT.] Subdivision 1. In all proceedings for dissolution, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court may *shall*, upon the request of the noncustodial parent, grant such rights of visitation as will enable the child and the noncustodial parent to maintain ~~such a~~ *a* child to parent relationship as *that* will be beneficial to the child ~~unless the court finds, after a hearing, that visitation would endanger the child's physical or emotional health or impair his emotional development~~. The court shall consider the age of the child and the child's relationship with the noncustodial parent prior to the commencement of the proceeding. ~~The court may deny visitation rights to the noncustodial parent if such visitation is not in the best interest of the child. A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of visitation; unless such inability is willful.~~

Sec. 42. Minnesota Statutes 1976, Section 518.175, Subdivision 3, is amended to read:

Subd. 3. The custodial parent shall not move the residence of the child to another state or more than 100 miles within this state except upon order of the court or with the consent of the non-custodial parent, when the noncustodial parent has been given visitation rights by the decree.

Sec. 43. Minnesota Statutes 1976, Section 518.175, is amended by adding a subdivision to read:

Subd. 5. *The court may modify an order granting or denying visitation rights whenever modification would serve the best interest of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical or emotional health or impair his emotional development. If the custodial parent makes specific allegations that visitation endangers the custodial parent's physical health, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting visitation rights. The court may require a third party, including the county welfare board, to supervise the visitation or may restrict a parent's visitation rights if necessary to protect the custodial parent from harm.*

Sec. 44. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.176] [JUDICIAL SUPERVISION.] *(a) Except as otherwise agreed by the parties in writing at the time of the custody order, the custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing, finds, upon motion by the noncustodial parent, that in the absence of a specific limitation of the custodian's authority, the child's physical or emotional health would be endangered or his emotional development impaired.*

(b) If both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's physical or emotional health would be endangered or his emotional development impaired, the court may order the county welfare board to exercise continuing supervision over the case to assure that the custodial or visitation terms of the decree are carried out.

Sec. 45. Minnesota Statutes 1976, Section 518.18, is amended to read:

518.18 [MODIFICATION OF ORDER.] *The court may afterward, from time to time, on the petition of either parent, revise and alter such order concerning the care, custody, and maintenance of the children, or any of them, and make such new order concerning them, as the circumstances of the parents and the benefit of the children shall require. (a) No motion to modify a custody decree may be made earlier than one year after the date of the initial decree except in accordance with clause (c).*

(b) If a motion for modification has been filed, whether or not it was granted, no subsequent motion may be filed within two years after disposition of the prior motion except in accordance with clause (c).

(c) *The time limitations prescribed in clauses (a) and (b) shall not prohibit a motion to modify a custody decree if the court decides on the basis of affidavits submitted pursuant to section 46, that there is persistent and wilful denial or interference with visitation or reason to believe that the child's present environment may endanger his physical or emotional health or impair his emotional development.*

(d) *If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody decree unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custodian established by the prior decree unless:*

(i) the custodian agrees to the modification;

(ii) the child has been integrated into the family of the petitioner with the consent of the custodian; or

(iii) the child's present environment endangers his physical or emotional health or impairs his emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

Sec. 46. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.185] [AFFIDAVIT PRACTICE.] *A party seeking a temporary custody order or modification of a custody order shall submit together with his moving papers an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceeding, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.*

Sec. 47. Minnesota Statutes 1976, Section 518.24, is amended to read:

518.24 [SECURITY; SEQUESTRATION; CONTEMPT.] *In all cases when alimony or other allowance is maintenance or support payments are ordered or decreed, the court may require sufficient security to be given for the payment thereof, of it according to the terms of the order or decree ; and, upon neglect or refusal to give such security, or upon failure to pay such alimony or allowance the maintenance or support , the court may sequester the obligor's personal estate ; and the rents and profits of real estate of the obligor, and appoint a receiver thereof, and of them. The court may cause such the personal estate ; and the rents and profits of such the real estate, to be applied according to the terms of such the order or decree. If the obligor has an income from any a source sufficient to enable him to pay such alimony or other allowance, the maintenance or support and he fails and*

refuses to pay the same, the court ~~may~~ *shall* order him to pay such alimony or allowance *the maintenance or support* . If ~~any a~~ person or party shall ~~disobey~~ *disobeys* such the order, he may be punished by the court as for contempt.

Sec. 48. Minnesota Statutes 1976, Section 518.27, is amended to read:

518.27 [EFFECT OF DISSOLUTION; NAME OF PARTY.] When a decree of dissolution ~~from the bonds of matrimony~~ *marriage* is granted in this state, ~~such the~~ decree shall completely dissolve the marriage contract as to both parties. If a dissolution is granted, the court shall, if requested by ~~the a~~ party whose name was changed by the marriage, change the name of ~~the a~~ party who had acquired the name of his spouse back to that person's family name or the name acquired from a prior spouse, and that person shall thereafter be known by that family name and *be so designated in the court's decree.*

Sec. 49. Minnesota Statutes 1976, Section 518.54, is amended to read:

518.54 [DEFINITIONS.] Subdivision 1. [TERMS.] For the purposes of sections 518.54 to 518.66, the terms defined in this section shall have the meanings respectively ascribed to them.

Subd. 2. [CHILD.] "Child" means an individual under 18 years of age, or an individual who, by reason of his physical or mental condition, is unable to support himself.

Subd. 3. [MAINTENANCE.] "*Alimony Maintenance*" means an award made in a dissolution *or legal separation* proceeding of payments from the future income or earnings of one spouse for the support and maintenance of the other.

Subd. 4. [SUPPORT MONEY.] "Support money" means an award in a dissolution, *legal separation*, or annulment proceeding for the care, support and education of any child of the marriage or of the parties to the annulment proceeding.

Subd. 5. [MARITAL PROPERTY; EXCEPTIONS.] ~~Except as provided in this subdivision, "property acquired during coverture"~~ "*Marital property*" means any property, real or personal, *including nonforfeitable pension benefits or rights*, acquired by the parties, or either of them, to a dissolution, *legal separation*, or annulment proceeding at any time during the existence of the marriage relation between them, or at any time during which the parties were living together as husband and wife under a purported marriage relationship which is annulled in an annulment ~~proceedings proceeding~~ . *All property acquired by either spouse subsequent to the marriage and before a decree of legal separation is presumed to be marital property regardless of whether title is held individually or by the spouses in a form of co-ownership such as joint tenancy, tenancy in common, tenancy by the entirety, or community property. The presumption of marital property is overcome by a showing that the property is of a type listed in clauses (a) to (f) .*

" *Property acquired during coverture Marital property* " does not include any property real or personal, acquired by either spouse before, during, or after coverture, where said property the existence of their marriage, which (a) is acquired as a gift, bequest, devise or inheritance made by a third party to one but not to the other spouse ; (b) is acquired in exchange for property acquired before the marriage or in exchange for property acquired by gift, bequest, devise, or inheritance; (c) is the increase in value of property acquired before the marriage; (d) is acquired by a spouse after a decree of legal separation; (e) is any property transferred from one spouse to the other; or (f) valid antenuptial contract or any property transferred from one spouse to the other .

Sec. 50. Minnesota Statutes 1976, Section 518.55, is amended to read:

518.55 [MAINTENANCE OR SUPPORT MONEY.] Every award of alimony maintenance or support money in a judgment of dissolution shall clearly designate whether the same is alimony maintenance or support money, or what part of the award is alimony maintenance and what part thereof is support money. Any An award of payments from future income or earnings of the custodial parent shall be is presumed to be alimony maintenance and any an award of payments from the future income or earnings of the noncustodial parent shall be is presumed to be support money , unless otherwise designated by the court. In any a judgment of dissolution the court may determine, as one of the issues of the case, whether or not either spouse is entitled to an award of alimony maintenance notwithstanding that no award is then made, or it may reserve jurisdiction of the issue of alimony maintenance for determination at a later date.

Sec. 51. Minnesota Statutes, 1977 Supplement, Section 518.551, is amended to read:

518.551 [MAINTENANCE AND SUPPORT PAYMENTS MADE TO WELFARE AGENCIES.] Notwithstanding any law to the contrary, any A court having jurisdiction over proceedings for dissolution shall direct that all payments ordered for alimony maintenance and support shall be made to the agency responsible for the welfare payments, when it appears that the party who is to receive the alimony maintenance and support payments will receive public assistance. Amounts so received by the board over and above agency greater than the amount granted to the party receiving public assistance shall be remitted to that party.

The petitioner shall notify the agency responsible for the welfare payments shall be notified by the petitioner of all proceedings for dissolution, separate maintenance legal separation or for the custody of a child if either party is receiving aid to families of dependent children or applies for such aid subsequent to the commencement of such the proceeding. After receipt of the notice, the county welfare board or the commissioner of public welfare agency shall recommend to the court the sum of money, or its equivalent, support that is proper and adequate for the care and support of

the child or children before the issuance of the order for judgment and decree in the proceeding.

If the court finds in a dissolution proceeding before issuing the order for judgment and decree that notification has not been given to the agency responsible for the welfare payments, the court shall order that notification be made and shall not issue its order for judgment and decree until the agency has made its recommendations. In those proceedings in which no notification has been made pursuant to this section and *in which* the agency determines that the judgment is not proper and adequate for the care and support of the child or children, it may petition the court for a redetermination of the support payments ordered.

Sec. 52. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.552] [MAINTENANCE.] *Subdivision 1. In a proceeding for dissolution of marriage or legal separation, or a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse only if it finds that the spouse seeking maintenance:*

(a) *lacks sufficient property, including marital property apportioned to him, to provide for his reasonable needs, especially during a period of training or education, and*

(b) *is unable to support himself through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.*

Subd. 2. The maintenance order shall be in amounts and for periods of time as the court deems just, without regard to marital misconduct, and after considering all relevant factors including:

(a) *the financial resources of the party seeking maintenance, including marital property apportioned to him, and his ability to meet his needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;*

(b) *the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment;*

(c) *the standard of living established during the marriage;*

(d) *the duration of the marriage;*

(e) *the age, and the physical and emotional condition of the spouse seeking maintenance; and*

(f) *the ability of the spouse from whom maintenance is sought to meet his needs while meeting those of the spouse seeking maintenance.*

Sec. 53. Minnesota Statutes 1976, Section 518.57, is amended to read:

518.57 [MINOR CHILDREN, SUPPORT.] Upon a decree of dissolution, *legal separation* or annulment, the court may make such a further order as it deems *which is just and proper* concerning the maintenance of the minor children as is provided by section 518.17, and for the maintenance of any child of the parties as defined in this act, as support money, and may make the same a lien or charge upon the property of the parties to ~~such the~~ proceeding, or either of them, either at the time of the entry of ~~such the~~ judgment or by subsequent order upon proper application therefor.

Sec. 54. Minnesota Statutes 1976, Section 518.58, is amended to read:

518.58 [DISPOSITION OF MARITAL PROPERTY.] Upon a dissolution of a marriage, ~~or upon an annulment, a legal separation, or a proceeding for disposition of property following a dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property,~~ the court ~~may~~ shall set aside to each spouse his property and make ~~such a just and equitable~~ disposition of the marital property of the parties acquired during coverture as shall appear just and equitable having without regard to nature and determination of the issues in the case, the amount of alimony or support money, if any, awarded in the judgment, the manner by which said property was acquired and the persons paying or supplying the consideration therefor, the charges or liens imposed thereon to secure payment of alimony or support money, and all the facts and circumstances of the case, marital misconduct, after making findings regarding the disposition of the property. The court shall base its findings on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets and income of each party, whether the property award is in lieu of or in addition to maintenance or support. The court shall also consider the contribution or dissipation of each in the acquisition, preservation, depreciation or appreciation in value of the respective estates, as well as the contribution of a spouse as a homemaker. It shall be presumed that each spouse made a substantial contribution to the acquisition of income and property while they were living together as husband and wife.

If the court finds that either spouse's resources or property, including his portion of the marital property as defined in section 49, subdivision 5 are so inadequate as to work an extreme hardship, the court may, in addition to the marital property, apportion up to one-half of the property otherwise excluded under section 49, subdivision 5, clauses (a) to (f) to prevent the hardship. If the court apportions property other than marital property, it shall make findings in support of the apportionment. The findings shall be based on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, and opportunity for future acquisition of capital assets and income of each party.

Sec. 55. Minnesota Statutes 1976, Section 518.61, is amended to read:

518.61 [TRUSTEE.] (a) *Upon its own motion or upon motion of either party, the court may appoint ~~trustees~~ a trustee, when it is deemed expedient, to receive any money ordered to be paid as ~~alimony~~ maintenance or support money, or as for remittance to the person entitled to receive the payments. The trustee may also receive property which is part of an award under sections section 518.58 or 518.59, upon trust to invest the same, and pay over the income in such the manner as the court shall direct directs, or to pay over the principal sum in such the proportions and at such the times as the court shall order, regard being had orders. The court shall have regard in all such cases to the situation and circumstances of the recipient, and the children, if there are any, and such trustees. The trustee shall give such a bond, as the court shall require requires, for the faithful performance of their his trust. If it appears that the recipient of money ordered to be paid as support will receive public assistance, the court shall appoint as trustee the public authority responsible for support enforcement.*

(b) *The trustee shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order.*

(c) *The parties affected by the order shall inform the trustee of a change of address or of other conditions that may affect the administration of the order.*

(d) *If a required payment of support or of maintenance and support combined is not made within ten days after the due date, the trustee shall send by first class mail notice of the arrearage to the obligor. If payment of the sum due is not made to the trustee within ten days after sending notice, the trustee shall certify the amount due to the public authority responsible for support enforcement, whenever that authority is not the trustee. If the public authority responsible for support enforcement refers the arrearage to the county attorney, the county attorney shall promptly initiate enforcement proceedings for support or for maintenance and support combined against the obligor.*

(e) *The public authority responsible for support enforcement shall represent a person entitled to receive support or maintenance and support combined in all court proceedings initiated under this section to enforce compliance with a support order or combined maintenance and support orders.*

(f) *If the person obligated to pay support is beyond the jurisdiction of the court, the county attorney shall institute any proceeding available under state or federal law for the enforcement of duties of support and maintenance.*

Sec. 56. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.611] [ASSIGNMENTS.] *If the person obligated to pay*

support or maintenance fails to make a required payment, the other party or, in the case of a failure to pay support or support and maintenance combined, the public authority responsible for support enforcement may, after 30 days, move the court to order the employer or trustee to withhold from the obligor's periodic earnings or trust income an amount equal to the court's order for support or maintenance. The assignment is binding on the employer, trustee, or other payor of the funds two weeks after service upon him of notice that it has been made. The payor shall withhold from the earnings or trust income payable to the person obligated to pay support or maintenance the amount specified in the assignment and shall monthly or more frequently remit the amounts withheld to the public agency responsible for support enforcement. Amounts received by the public authority responsible for support enforcement which are in excess of public assistance expended for the party or for a child shall be remitted to the party. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.

Sec. 57. Minnesota Statutes 1976, Chapter 518, is amended by adding a section to read:

[518.612] [INDEPENDENCE OF PROVISIONS OF DECREE OR TEMPORARY ORDER.] *Failure by a party to make support payments is not a defense to: interference with visitation rights; or without the permission of the court or the noncustodial parent moving a child more than 100 miles within the state, or removing a child from this state without the permission of the court or of the noncustodial parent. Nor is interference with visitation rights or moving a child more than 100 miles within the state or taking a child from this state without permission of the court or the noncustodial parent a defense to nonpayment of support. If a party fails to make support payments, or interferes with visitation rights, or without permission of the court or the noncustodial parent removes a child from this state or moves a child more than 100 miles within the state, the other party may petition the court for an appropriate order.*

Sec. 58. Minnesota Statutes 1976, Section 518.62, is amended to read:

518.62 [TEMPORARY MAINTENANCE.] Temporary alimony may be awarded as provided in section 518.14, maintenance and temporary support money may be awarded as provided in section 518.16, for the support of any children of the parties, including children as defined in section 518.54; and 30. The court may also award to either party to the proceeding, having due regard to all the circumstances and the party awarded the custody of the children, the right to the exclusive use of the household goods and furniture of the parties pending the proceeding and the right to the use of the homestead of the parties, exclusive or otherwise, pending the proceeding; and . The court may order and direct either party to remove from the homestead of the parties upon proper application to the court for such an order pending the proceeding.

Sec. 59. Minnesota Statutes 1976, Section 518.63, is amended to read:

518.63 [HOMESTEAD, OCCUPANCY.] The court, having due regard to all the circumstances and the custody of any children of the parties, may award to either party the right of occupancy of the homestead of the parties, exclusive or otherwise, upon a final decree of dissolution or legal separation, or proper modification thereof of it, for such a period of time as may be determined by the court; and such. An award of the right of occupancy of the homestead, whether exclusive or otherwise, may be in addition to the maximum amount which may be awarded under section 518.59 amounts awarded under sections 54, 55 and 56.

Sec. 60. Minnesota Statutes 1976, Section 518.64, is amended to read:

518.64 [MODIFICATION OF ORDERS OR DECREES.] *Subdivision 1.* After an order or decree for alimony maintenance or support money, temporary or permanent, or for the appointment of trustees to receive and hold any property awarded as alimony maintenance or support money, the court may from time to time, on petition of either of the parties revise and after such or on petition of the public authority responsible for support enforcement where the party entitled to support or maintenance receives or has applied for public assistance, modify the order or decree respecting the amount of such alimony, maintenance or support money, and the payment thereof of it, and also respecting the appropriation and payment of the principal and income of the property so held in trust, and may make any an order respecting these matters which it might have made in the original proceeding, except as herein otherwise provided.

Subd. 2. If the party entitled to maintenance or support receives public assistance, the public authority responsible for support enforcement shall periodically review the financial circumstances of the party obligated to pay support or maintenance, in order to determine whether modification is necessary. If the party entitled to maintenance or support applies for public assistance, the public authority responsible for support enforcement shall immediately review the obligor's financial circumstances in order to determine whether modification is necessary. To carry out this review, the public authority responsible for support enforcement may subpoena the obligor's financial records. If the obligor refuses to obey a subpoena, the refusal may at once be reported to the district court in the district where the obligor resides. The court shall enforce obedience to the subpoena in the manner provided by law for enforcing subpoenas of the court.

Subd. 3. Except as otherwise provided in section 52, subdivision 2, clause (f), the terms of a decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of increased or decreased earnings of a party or increased or decreased need of a party, which makes the terms unreasonable and unfair. On a

motion for modification of support, the court shall take into consideration the needs of the children and the financial circumstances of the custodial parent's spouse, if any. Except for an award of the right of occupancy of the homestead, provided in section 59, all divisions of real and personal property provided by sections section 518.58 and 518.59 shall be final, and subject only to the power of may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state. The court to may impose a lien or charge thereon on the divided property at any time while such the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of alimony maintenance or support money, or to may sequester the property as is provided by section 518.24.

Subd. 4. Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

Subd. 5. Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child but not by the death of a parent obligated to support the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump sum payment, to the extent just and appropriate in the circumstances.

Sec. 61. Minnesota Statutes 1976, Section 518.65, is amended to read:

518.65 [PROPERTY; SALE, PARTITION.] In order to effect a division or award of property as is provided by sections section 518.58 and 518.59, the court may order any such property sold or partitioned. Personal property may be ordered sold in such the manner as shall be directed by the court, and real estate may be partitioned in the manner provided by Minnesota Statutes 1949, Chapter 558, insofar as the same is applicable.

Sec 62. (a) Sections 1 to 64 apply to all proceedings commenced after February 28, 1979.

(b) Notwithstanding section 645.35, sections 1 to 64 apply to all pending actions and proceedings commenced prior to March 1, 1979 with respect to issues on which a judgment has not been entered. Pending actions for dissolution or separation are deemed to have been commenced on the basis of irretrievable breakdown. Evidence adduced after February 28, 1979 shall be in compliance with sections to 1 to 64.

(c) Notwithstanding section 645.35, sections 1 to 64 apply to all proceedings commenced after February 28, 1979 for the modification of a judgment or order entered prior to March 1, 1979.

(d) In any action or proceeding in which an appeal was pending or a new trial was ordered prior to March 1, 1979, the law in effect at the time of the order sustaining the appeal of the new trial

governs the appeal, the new trial, and any subsequent trial or appeal.

Sec. 63. [INSTRUCTIONS TO REVISOR.] *Whenever the term "alimony" appears in the next or subsequent editions of Minnesota Statutes, the revisor of statutes is directed to substitute "maintenance" or an equivalent term.*

Whenever the term "separate maintenance" appears in the next or subsequent editions of Minnesota Statutes, the revisor is directed to substitute "legal separation".

Sec. 64. [REPEALER.] *Minnesota Statutes 1976, Sections 517.17; 518.06, Subdivision 2; 518.15; 518.29; 518.59; and 518.67, are repealed.*

Sec. 65. [EFFECTIVE DATE.] *This act is effective March 1, 1979."*

Amend the title as follows:

Page 1, line 6, delete "requiring blood tests of applicants for a"

Page 1, line 7, delete "license to marry;"

Page 1, line 22, delete "517.17;"

Page 1, line 23, delete "518.001;"

Page 1, line 26, delete "518.12;"

Page 1, line 35, after "Sections" insert "517.17;"

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 1277, 1689, 1642, 1095, 1013, 1577, 1464, 2188, 2184, 1849, 1706, 2000, 437, 1864, 1773, 2404 and H. F. Nos. 1661, 830, 2111, 2155, 2228, 37, 1973, 1605, 2192, 2080, 2225, 1822, 1403, 2332, 474, 2025, 600, 1416, 933, 1663, 1726, 1866, 2330, 1931, 1910, 2224, 2087, 774, 2429, 2279, 2278, 1009, 649, 523, 2049, 908, 2067, 1707 makes the following report:

That S. F. Nos. 1277, 1689, 1642, 1095, 1013, 1577, 1464, 1849, 1706, 2000, 437, 1864, 1773, 2404 and H. F. Nos. 1661, 830, 2111, 2155, 2228, 37, 1973, 1605, 2192, 2080, 2225, 1822, 1403, 2332, 474, 2025, 600, 1416, 933, 1663, 1726, 1866, 2330, 1931, 1910, 2224, 2087, 774, 2429, 2279, 2278, 1009, 649, 523, 2049, 908, 2067, 1707 be placed on the General Orders Calendar in the order indicated.

That S. F. Nos. 2184 and 2188 are being retained in the Subcommittee.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 2099, 2217, 2397, 2053 and 1826 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. 2273, 2377, 2197, 2196, 1823 and 2299 were read the second time.

H. F. Nos. 551, 1916, 2043, 1329, 2216, 1760, 1783, 1821 and 2102 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Davies moved that the name of Mr. Spear be added as co-author to S. F. No. 1826. The motion prevailed.

Mr. Merriam moved that S. F. No. 1835, No. 2 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Chmielewski moved that S. F. No. 1624, No. 4 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Penny moved that S. F. No. 1067, No. 9 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Davies moved that S. F. No. 1824, No. 18 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Strand moved that S. F. No. 2006, No. 59 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. McCutcheon moved that S. F. No. 2123, No. 61 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. McCutcheon moved that S. F. No. 2150, No. 62 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Hanson moved that S. F. No. 740, No. 74 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Hanson moved that S. F. No. 2159, No. 75 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Merriam moved that S. F. No. 2130, No. 76 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Strand moved that S. F. No. 2182, No. 78 on General

Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Schmitz moved that S. F. No. 1117, No. 81 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Dunn moved that S. F. No. 2186, No. 87 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Olhoft moved that S. F. No. 1697, No. 92 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Sikorski moved that S. F. No. 427, No. 95 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Chenoweth moved that S. F. No. 1442, No. 99 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Luther moved that S. F. No. 2152, No. 111 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Kleinbaum moved that S. F. No. 1948, No. 125 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Vega moved that S. F. No. 2076, No. 132 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Moe moved that S. F. No. 1663, No. 133 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Penny moved that S. F. No. 2355, No. 134 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Lewis moved that S. F. No. 507, No. 141 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Chmielewski moved that S. F. No. 1623, No. 147 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Hanson moved that S. F. No. 1427, No. 148 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Schaaf moved that S. F. No. 2275, No. 157 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Humphrey moved that S. F. No. 2033, No. 160 on General

Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Dieterich moved that S. F. No. 2272, No. 162 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Borden moved that S. F. No. 1478, No. 163 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Schmitz moved that S. F. No. 2230, No. 167 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Knoll moved that S. F. No. 1967, No. 22 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Wegener moved that S. F. No. 2101, No. 29 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Olson moved that S. F. No. 1193, No. 36 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Knoll moved that S. F. No. 2166, No. 39 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Schaaf moved that S. F. No. 1564, No. 48 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Chmielewski moved that S. F. No. 2192, No. 58 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mrs. Staples moved that S. F. No. 1441, No. 70 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mrs. Brataas moved that S. F. No. 2072, No. 71 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mrs. Brataas moved that S. F. No. 2073, No. 72 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Schmitz moved that S. F. No. 1345, No. 82 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Laufenburger moved that S. F. No. 2205, No. 93 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Keefe, J. moved that S. F. No. 1935, No. 98 on General Or-

ders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Gunderson moved that S. F. No. 2193, No. 105 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Dieterich moved that S. F. No. 1850, No. 107 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Peterson moved that S. F. No. 1772, No. 108 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Dieterich moved that S. F. No. 1871, No. 123 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Penny moved that S. F. No. 1273, No. 124 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Sikorski moved that S. F. No. 1644, No. 127 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Tennessen moved that S. F. No. 1770, No. 129 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Penny moved that S. F. No. 2356, No. 135 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Sikorski moved that S. F. No. 1026, No. 161 on General Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling. The motion prevailed.

Mr. Johnson moved that his name be stricken as chief author to S. F. No. 2350 and the name of Mr. Solon be shown as chief author. The motion prevailed.

Mr. Moe moved that H. F. No. 2096, No. 6 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

RECESS

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

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

APPOINTMENTS

Mr. Coleman from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H. F. No. 1885: Messrs. Merriam, Hughes, Dieterich, Dunn, and Anderson.

Mr. Coleman moved that the foregoing appointments be approved. The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 1722 a Special Order to be heard immediately.

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.

Mr. Kleinbaum moved to amend S. F. No. 1722, as follows:

Page 6, line 18, strike the semicolon and insert a colon

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend S. F. No. 1722, as follows:

Page 2, line 19, after "123.937" insert "*and section 19 of this act*"

Page 9, after line 29, insert

"Sec. 19. Minnesota Statutes 1976, Chapter 123, is amended by adding a section to read:

[123.938] [EDUCATIONAL AID FOR NONSECTARIAN NONPUBLIC SCHOOL CHILDREN.] *Subdivision 1. [DEFINITIONS.] As used in this section, the terms defined in this subdivision shall have the meanings ascribed to them.*

(1) "Nonsectarian nonpublic school" means any nonpublic school, as defined in section 123.932, subdivision 3, which is not church related, is not controlled by a church, and does not promote a religious belief.

(2) "Instructional materials" means books, workbooks, manuals, published materials, periodicals, documents, pamphlets, photographs, reproductions, pictorial or graphic works, musical scores, maps, globes, sound recordings including but not limited to those on discs and tapes, or any other printed and published materials of a similar nature made by any method. The term does not include textbooks or standardized tests as defined in section 123.932. The term includes only such secular, neutral and nonideological materials as are available and of benefit to Minnesota public

school pupils or are made available in public school libraries. The term shall be limited to "school library and audio visual materials" and "instructional supplies" as those terms or their equivalent are described and designated in the manual of instructions for uniform accounting for Minnesota school districts published by the department of education.

(3) "Equipment" means any item that is a moveable unit of furnishing, an instrument, a machine, an apparatus, or set of articles which meets all the following conditions: (a) it retains its original shape and appearance with use, and (b) it is nonexpendable; that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair rather than replace it with an entirely new unit. The term shall be limited to secular, neutral, nonideological items and devices which are used by pupils in public schools and shall be limited to items used in courses or curriculum relating to physical education programs, laboratory sciences, mathematical sciences, business training, practical arts and vocational-technical programs.

Subd. 2. The provisions of this section shall apply only to those nonsectarian nonpublic schools which enroll fewer than 300 pupils as of September 15 of the school year for which the instructional materials and equipment are provided. For purposes of the count in this subdivision, each kindergarten pupil shall be counted as one pupil. The provisions of this section shall not apply to nonsectarian nonpublic schools whose primary purpose is to provide programs to preschool children or to children under the age of seven.

Subd. 3. [PURCHASE OR LOAN OF INSTRUCTIONAL MATERIALS.] The state board of education shall promulgate rules under the provisions of chapter 15, requiring that in each school year, based on formal requests by or on behalf of nonsectarian nonpublic school pupils in a nonsectarian nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire instructional materials and loan or provide them for use by children enrolled in that nonsectarian nonpublic school. The loan or provision of the instructional materials shall be subject to rules promulgated by the state board of education.

In the case of consumable or nonreusable instructional materials, the title and possession may be surrendered to the nonsectarian nonpublic school pupil for whom they are provided; in the case of nonconsumable or reusable instructional materials the title to same shall remain in the servicing school district or intermediary service area, and possession or custody may be granted or charged to administrators of the nonsectarian nonpublic school attended by the nonsectarian nonpublic school pupil or pupils to whom the instructional materials were loaned.

The cost per pupil of the instructional materials provided for in this subdivision for each school year shall not exceed the statewide average expenditure per pupil by the Minnesota public elementary and secondary schools for instructional materials as computed and established by the department of education by March 1 of the preceding school year from the most recent public school year data

then available. The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the instructional materials for the pupils in each nonsectarian nonpublic school which shall not exceed the product of the statewide average expenditure per pupil multiplied by the number of nonsectarian nonpublic school pupils who make requests pursuant to this subdivision and who are enrolled as of September 15 of the current school year.

Subd. 4. [PURCHASE AND PROVISION OR LOAN OF EQUIPMENT.] The state board of education shall promulgate rules under the provisions of Chapter 15, requiring that in each school year, based upon formal requests by or on behalf of nonsectarian nonpublic school pupils in a nonsectarian nonpublic school, the local districts or intermediary service areas shall purchase or otherwise acquire equipment and loan or provide the same for use by pupils enrolled in that nonsectarian nonpublic school. This equipment shall be loaned or provided free to the pupils for the school year for which requested. The loan or provision of the equipment shall be subject to rules promulgated by the state board of education.

The title to the equipment shall remain in the servicing school district or intermediary service area, and possession or custody may be granted or charged to administrators of the nonsectarian nonpublic school attended by the nonsectarian nonpublic school pupil or pupils to whom the equipment is loaned or provided. The commissioner shall allot to the school districts or intermediary service areas the total cost for each school year of providing or loaning the equipment for the pupils in each nonsectarian nonpublic school which shall not exceed the product of \$10 multiplied by the number of nonsectarian nonpublic school pupils who make requests pursuant to this subdivision and who are enrolled as of September 15 of the current school year.

Subd. 5. The educational aids to nonsectarian nonpublic school pupils provided for by this section shall be supplementary to the educational aids and services provided to nonpublic school pupils pursuant to sections 123.931 to 123.937.

Subd. 6. During each school year the commissioner shall make such payments to school districts or intermediary service areas as are needed to meet contractual obligations incurred for the provision of benefits to nonsectarian nonpublic school students pursuant to this section.

Subd. 7. Each year, a school district or intermediary service area may claim and receive from the department of education an additional sum for the actual cost of administration of this section, which shall not exceed an amount equal to five percent of the district's or area's allocation for that year pursuant to this section."

Page 13, line 16, after "123.937" insert "and section 19 of this act"

Page 13, line 23, strike "22" and insert "23"

Page 14, after line 2, insert

"Sec. 26. [APPROPRIATION.] *There is appropriated from the general fund to the department of education the sum of \$95,000 for the year ending June 30, 1979, for the purposes of section 19 of this act.*"

Page 14, line 10, strike "19,"

Page 14, line 10, after "20," insert "21,"

Page 14, line 11, strike "22" and insert "23"

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 9, delete "a section" and insert "sections"

The motion prevailed. So the amendment was adopted.

Mr. Ashbach moved to amend S. F. No. 1722 as follows:

Page 5, line 27, strike "statewide"

Page 5, line 29, after "schools" insert "*in the district in which the nonpublic school is located*"

Page 6, line 7, strike "statewide"

Page 6, line 7, after "pupil" insert "*in the district where the nonpublic school is located*"

Page 8, line 9, strike "*those Minnesota*" and insert "*the*"

Page 8, line 10, after "schools" insert "*in the district where the nonpublic school is located*"

Page 8, line 24, strike "*those Minnesota*" and insert "*the*"

Page 8, line 25, after "schools" insert "*in the district where the nonpublic school is located*"

Page 8, line 32, after "services" insert "*in the district where the nonpublic school is located*"

Page 9, line 2, after "services" insert "*in the district where the nonpublic school is located*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 15 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Keefe, J.	Lewis	Spear
Brataas	Frederick	Kirchner	Ogdahl	Ueland, A.
Davies	Jensen	Knaak	Pillsbury	Ulland, J.

Those who voted in the negative were:

Benedict	Keefe, S.	Merriam	Peterson	Strand
Bernhagen	Kleinbaum	Moe	Purfeerst	Stumpf
Chenoweth	Knoll	Nelson	Schaaf	Vega
Chmielewski	Laufenburger	Nichols	Schrom	Wegener
Gearty	Lessard	Olhoft	Setzepfandt	Willett
Gunderson	Luther	Olson	Sietoff	
Hanson	McCutcheon	Penny	Solon	
Johnson	Menning	Perpich	Staples	

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

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 sections; 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.

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

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

The roll was called, and there were yeas 46 and nays 10, as follows:

Those who voted in the affirmative were:

Ashbach	Humphrey	Luther	Perpich	Stumpf
Benedict	Jensen	McCutcheon	Peterson	Ueland, A.
Bernhagen	Keefe, J.	Menning	Purfeerst	Ulland, J.
Chenoweth	Keefe, S.	Merriam	Renneke	Vega
Chmielewski	Kirchner	Moe	Schrom	Wegener
Dieterich	Kleinbaum	Nelson	Setzepfandt	Willet
Engler	Knaak	Nichols	Sieloff	
Frederick	Knoll	Olhoft	Solon	
Gearty	Laufenburger	Olson	Staples	
Hanson	Lessard	Penny	Stokowski	

Those who voted in the negative were:

Brataas	Gunderson	Lewis	Pillsbury	Strand
Davies	Johnson	Ogdahl	Spear	Tennessen

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 1450 a Special Order to be heard immediately.

S. F. No. 1450: A bill for an act relating to economic development; creating an operating unit within the department of economic development relating to small businesses; creating an advisory task force; requiring reports and recommendations; transferring the administration of laws relating to community development corporations; increasing the salary of the commissioner; amending Minnesota Statutes, 1977 Supplement, Sections 15A.081, Subdivision 1; 362.41, Subdivision 5; and Minnesota Statutes 1976, Chapter 362, by adding a section.

Mr. Peterson moved to amend S. F. No. 1450 as follows:

Page 2, lines 13 to 14, strike "*and types of small businesses located in the state*" and insert "*. At least three of the gubernatorial appointees shall be small businessmen*"

Pages 3 to 6, strike section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 8 to 9, strike "increasing the salary of the commissioner;"

Page 1, line 10, strike "Sections 15A.081, Subdivision 1;" and insert "Section"

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved to amend S. F. No. 1450 as follows:

Page 6, lines 11 and 12, strike "*Section 7 is effective July 1, 1979.*"

The motion prevailed. So the amendment was adopted.

S. F. No. 1450: A bill for an act relating to economic development; creating an operating unit within the department of economic development relating to small businesses; creating an advisory task force; requiring reports and recommendations; transferring the administration of laws relating to community development corporations; amending Minnesota Statutes, 1977 Supplement, Section 362.41, Subdivision 5; and Minnesota Statutes 1976, Chapter 362, by adding a section.

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

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

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

Those who voted in the affirmative were:

Ashbach	Hanson	Lewis	Perpich	Stokowski
Benedict	Humphrey	Luther	Peterson	Strand
Bernhagen	Jensen	McCutcheon	Pillsbury	Stumpf
Brataas	Johnson	Menning	Purfeerst	Tennessee
Chenoweth	Keefe, J.	Merriam	Renneke	Ueland, A.
Chmielewski	Keefe, S.	Moe	Schaaf	Uland, J.
Davies	Kirchner	Nelson	Schrom	Vega
Dieterich	Kleinbaum	Nichols	Setzepfandt	Wegener
Engler	Knaak	Ogdahl	Sieloff	Willet
Frederick	Knoll	Olhoff	Solon	
Gearty	Laufenburger	Olson	Spear	
Gunderson	Lessard	Penny	Staples	

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

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on H. F. Nos. 2493 and 2494:

Messrs. Moe, Kirchner, Lewis, Kleinbaum and Humphrey.

The motion prevailed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Keefe, S., for Mr. Coleman, Chairman

of the Subcommittee on Bill Scheduling, designated H. F. No. 1923 a Special Order to be heard immediately.

H. F. No. 1923: A bill for an act relating to taxation; restricting certificate of value filing requirements to transfers of property made after 1977; amending Minnesota Statutes, 1977 Supplement, Section 272.115, Subdivisions 1 and 4.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Ashbach	Gunderson	Luther	Perpich	Staples
Benedict	Hanson	McCutcheon	Peterson	Stokowski
Bernhagen	Humphrey	Menning	Pillsbury	Strand
Brataas	Jensen	Merriam	Purfeerst	Stumpf
Chenoweth	Johnson	Moe	Renneke	Tennessen
Chmielewski	Keefe, J.	Nelson	Schaaf	Ueland, A.
Davies	Keefe, S.	Nichols	Schrom	Ulland, J.
Dieterich	Knaak	Ogdahl	Setzepfandt	Vega
Engler	Knoll	Olhoff	Sieloff	Wegener
Frederick	Laufenburger	Olson	Solon	Willet
Gearty	Lessard	Penny	Spear	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 2062 a Special Order to be heard immediately.

S. F. No. 2062: A bill for an act relating to taxation; delaying the effective date of change in allocation of gross income of estates and trusts; amending Laws 1977, Chapter 423, Article 1, Section 16.

Mr. Sieloff moved to amend S. F. No. 2062 as follows:

Page 1, after line 19, insert:

"Sec. 2. [EFFECTIVE DATE.] Section 1 is effective for taxable years beginning after December 31, 1977."

The motion prevailed. So the amendment was adopted.

S. F. No. 2062 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Ashbach	Frederick	Lessard	Penny	Staples
Benedict	Gearty	Luther	Perpich	Stokowski
Bernhagen	Gunderson	McCutcheon	Pillsbury	Strand
Borden	Hanson	Menning	Renneke	Stumpf
Brataas	Jensen	Merriam	Schaaf	Tennessen
Chmielewski	Johnson	Nelson	Schrom	Ueland, A.
Coleman	Keefe, J.	Nichols	Setzepfandt	Ulland, J.
Davies	Keefe, S.	Ogdahl	Sieloff	Vega
Dieterich	Knaak	Olhoft	Solon	Wegener
Engler	Laufenburger	Olson	Spear	Willet

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 2078 a Special Order to be heard immediately.

S. F. No. 2078: A bill for an act relating to taxation; sales tax; changing definition of common carriers as retailers; amending Minnesota Statutes, 1977 Supplement, Section 297A.211, 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Luther	Perpich	Staples
Benedict	Gearty	McCutcheon	Pillsbury	Stokowski
Bernhagen	Gunderson	Menning	Purfeerst	Strand
Brataas	Hanson	Merriam	Renneke	Stumpf
Chenoweth	Jensen	Nelson	Schaaf	Ulland, J.
Chmielewski	Johnson	Nichols	Schrom	Vega
Coleman	Keefe, J.	Ogdahl	Setzepfandt	Wegener
Davies	Knaak	Olhoft	Sieloff	Willet
Dieterich	Laufenburger	Olson	Solon	
Engler	Lessard	Penny	Spear	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 2361 a Special Order to be heard immediately.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 6, as follows:

Those who voted in the affirmative were:

Benedict	Engler	Laufenburger	Pillsbury	Stumpf
Bernhagen	Gearty	Lessard	Purfeerst	Tennessee
Borden	Gunderson	Luther	Schaaf	Ueland, A.
Brataas	Hanson	McCutcheon	Setzepfandt	Ulland, J.
Chenoweth	Johnson	Nelson	Sieloff	Vega
Chmielewski	Keefe, J.	Nichols	Spear	Willet
Coleman	Keefe, S.	Olhoff	Staples	
Davies	Knaak	Penny	Stokowski	
Dieterich	Knoll	Peterson	Strand	

Those who voted in the negative were:

Menning	Olson	Renneke	Schrom	Wegener
Merriam				

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 1864 a Special Order to be heard immediately.

S. F. No. 1864: A bill for an act relating to state employees; improving testing procedures; tightening provisions relating to provisional appointments; providing for a pilot reliability-based band width certification program; altering certain requirements for appointment and benefit eligibility; establishing special procedures for filling certain positions; providing for modified reimbursements of costs; providing notification of appeal rights; appropriating money; amending Minnesota Statutes 1976, Sections 43.13, Subdivision 1, and by adding a subdivision; 43.14, Subdivision 1; 43.18; 43.19, Subdivision 1; 43.20, Subdivisions 2, 3, 5, and by adding a subdivision; 43.24, Subdivision 1; 43.32, Subdivision 11; 43.327, Subdivisions 1 and 2; 43.491, by adding a subdivision; and Chapter 43, by adding a section.

Mr. Ashbach moved to amend S. F. No. 1864 as follows:

Page 8, lines 11 to 13, reinstate the stricken language

Page 8, line 13, after the reinstated "year" insert "*in any one agency*"

The motion prevailed. So the amendment was adopted.

Mr. Ashbach then moved to amend S. F. No. 1864 as follows:

Page 7, line 18, after "*capacity*" insert "*and if the commissioner reasonably determines that further attempts at filling the vacancy through the competitive examination would not be successful*"

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

S. F. No. 1864 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Benedict	Gunderson	Menning	Peterson	Stokowski
Bernhagen	Hanson	Merriam	Pillsbury	Strand
Chenoweth	Johnson	Nelson	Purfeerst	Stumpf
Coleman	Keefe, J.	Nichols	Schaaf	Tennessee
Davies	Keefe, S.	Ogdahl	Setzepfandt	Ueland, A.
Dieterich	Knoll	Olhoft	Sieloff	Ulland, J.
Engler	Laufenburger	Olson	Solon	Vega
Frederick	Lessard	Penny	Spear	Willet
Gearly	Luther	Perpich	Staples	

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 2192, a Special Order to be heard immediately.

H. F. No. 2192: A bill for an act relating to transportation; establishing a rail user loan guarantee program; creating a rail user loan guarantee account; prescribing powers and duties of the commissioner of transportation; appropriating money; amending Minnesota Statutes 1976, Sections 362A.01, Subdivision 2; and 474.02, 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 42 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Menning	Peterson	Stokowski
Bernhagen	Hanson	Merriam	Pillsbury	Strand
Brataas	Johnson	Nelson	Purfeerst	Stumpf
Chmielewski	Keefe, J.	Nichols	Renneke	Ueland, A.
Coleman	Keefe, S.	Ogdahl	Schaaf	Ulland, J.
Davies	Knoll	Olhoft	Setzepfandt	Willet
Dieterich	Laufenburger	Olson	Sieloff	
Engler	Lessard	Penny	Spear	
Frederick	Luther	Perpich	Staples	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 1826 a Special Order to be heard immediately.

H. F. No. 1826: A bill for an act relating to public welfare; providing compensation to residents of state institutions; accepting volunteer services; authorizing rule promulgation for child cost of care; authorizing ward institutional placement for respite care; concerning the discharge of a committed patient; providing for a hospital program plan; concerning local welfare hearing; regarding child support; amending Minnesota Statutes 1976, Sections 246.36; 252A.11, Subdivision 3; 253A.15, Subdivision 11; 253A.17,

Subdivision 9; 256.045, Subdivision 2; Chapter 246, by adding a section; Minnesota Statutes, 1977 Supplement, Sections 252.27, Subdivision 2; 256.79; 256.873.

Mr. Keefe, J. moved to amend the amendment placed on H. F. 1826 by the Committee on Health, Welfare and Corrections, adopted by the Senate March 9, 1978, as follows:

Section 10, Clause (13), line 5, after the period insert "*For the purpose of this clause, a person who is incapable of transport by taxicab or bus shall be considered to be non-ambulatory.*"

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

H. F. No. 1826 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 42 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Lessard	Perpich	Stokowski
Bernhagen	Gunderson	Luther	Peterson	Strand
Borden	Hanson	Menning	Pillsbury	Stumpf
Brataas	Johnson	Merriam	Purfeerst	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Renneke	Ulland, J.
Coleman	Keefe, S.	Nichols	Schaaf	Willet
Davies	Knaak	Olhoft	Setzepfandt	
Dieterich	Knoll	Olson	Spear	
Frederick	Laufenburger	Penny	Staples	

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 1416 a Special Order to be heard immediately.

H. F. No. 1416: A bill for an act relating to the legislature; requiring that bodies wholly or principally composed of legislators submit budgets and complement requests to the legislative coordinating commission; amending Minnesota Statutes 1976, Chapter 3, 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 47 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Gearty	Luther	Pillsbury	Strand
Benedict	Gunderson	McCutcheon	Purfeerst	Stumpf
Bernhagen	Hanson	Menning	Renneke	Ueland, A.
Borden	Johnson	Nelson	Schaaf	Ulland, J.
Brataas	Keefe, J.	Nichols	Schrom	Vega
Chmielewski	Keefe, S.	Ogdahl	Setzepfandt	Wegenor
Coleman	Knaak	Olhoft	Sieloff	Willet
Davies	Knoll	Olson	Spear	
Dieterich	Laufenburger	Penny	Staples	
Frederick	Lessard	Peterson	Stokowski	

Messrs. Perpich and Tennesen voted in the negative.

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED SUSPENSION OF RULES

Mr. Menning moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 2196 and that the rules of the Senate be so far suspended as to give H. F. No. 2196, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H. F. No. 2196: A bill for an act relating to claims against the state; appropriating money for the payment thereof; altering conditions for waiver of immunity from suit by the Rum River Lumber Company; amending Laws 1975, Chapter 158, Section 4.

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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Hanson	Menning	Renneke	Strand
Bernhagen	Johnson	Merriam	Schaaf	Stumpf
Borden	Keefe, J.	Nelson	Schmitz	Tennesen
Brataas	Keefe, S.	Ogdahl	Schrom	Ueland, A.
Chmielewski	Knaak	Olhoff	Setzepfandt	Ulland, J.
Coleman	Knoll	Olson	Sieloff	Wegener
Davies	Laufenburger	Penny	Solon	Willet
Engler	Lessard	Peterson	Spear	
Gearty	Luther	Pillsbury	Staples	
Gunderson	McCutcheon	Purfeerst	Stokowski	

So the bill passed and its title was agreed to.

Remaining on the Order of Business and Motions and Resolutions, Mr. Coleman moved to take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

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

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

S. F. No. 954, H. F. Nos. 1977, 807, 1909, 267, 1808 which the committee recommends to pass.

S. F. Nos. 2178 and 2029 which the committee recommends be returned to their authors.

S. F. No. 793, which the committee recommends to pass with the following amendment offered by Mr. Stumpf:

Page 4, line 22, strike "A"

Page 4, strike lines 23 to 26

Page 7, lines 8 to 11, reinstate the stricken language

Page 11, line 8, strike "*a group of*" and insert "*two or more*"

Pages 11 to 18, strike sections 19 to 25

Page 18, line 24, strike "26" and insert "19"

Page 18, line 26, strike "27" and insert "20"

Amend the title as follows:

Page 1, line 2, strike "transferring certain"

Page 1, strike line 3

Page 1, line 4, strike "the pollution control agency;"

Page 1, line 11, strike "establishing a lake"

Page 1, strike lines 12 to 15

Page 1, line 16, strike "agency;"

S. F. No. 1753, which the committee recommends to pass with the following amendments offered by Messrs. Peterson and Nichols:

Mr. Peterson moved to amend S. F. No. 1753 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes, 1977 Supplement, Section 176.-011, Subdivision 9, is amended to read:

Subd. 9. [EMPLOYEE.] "Employee" means any person who performs services for another for hire; and includes the following:

(1) an alien;

(2) a minor;

(3) a sheriff, deputy sheriff, constable, marshal, policeman, fireman, a county highway engineer, and a peace officer while engaged in the enforcement of peace or in and about the pursuit or capture of any person charged with or suspected of crime;

(4) a county assessor;

(5) an elected or appointed official of the state, or of any county, city, town, school district or governmental subdivision therein but an officer of a political subdivision elected or appointed for a regular term of office or to complete the unexpired portion of any such regular term, shall be included only after the governing body of the political subdivision has adopted an ordinance or resolution to that effect;

(6) an executive officer of a corporation except an officer of a family farm corporation as defined in section 500.24, subdivision 1, clause (c) , *nor shall it include executive officers of closely held corporations who are referred to in section 2 of this act ;*

(7) a voluntary uncompensated worker, other than an inmate, rendering services in state institutions under the commissioner of public welfare and state institutions under the commissioner of corrections similar to those of officers and employees of such institutions, and whose services have been accepted or contracted for by the commissioner of public welfare or the commissioner of corrections as authorized by law, shall be employees within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the daily wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of such injury or death for similar services in institutions where such services are performed by paid employees;

(8) a voluntary uncompensated worker engaged in peace time in the civil defense program when ordered to training or other duty by the state or any political subdivision thereof, shall be employees. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of such injury or death for similar services where such services are performed by paid employees;

(9) a voluntary uncompensated worker participating in a program established by a county welfare board shall be an employee within the meaning of this subdivision. In the event of injury or death of any such voluntary uncompensated worker, the wage of the worker, for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid in the county at the time of such injury or death for similar services where such services are performed by paid employees working a normal day and week;

(10) a voluntary uncompensated worker accepted by the commissioner of natural resources who is rendering services as a volunteer pursuant to section 85.041 shall be an employee. The daily wage of the worker for the purpose of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where such services are performed by paid employees.

(11) a member of the military forces, as defined in section 190.05, while in "active service" or "on duty" as defined in section 190.05, when the service or duty is ordered by state authority. The daily wage of the member for the purpose of calculating compensation payable under this chapter shall be based on the member's usual earnings in civil life. If there is no evidence of previous occupation or earning, the trier of fact shall consider the member's earnings as a member of the military forces;

(12) a voluntary uncompensated worker, accepted by the director of the Minnesota historical society, rendering services as a volunteer, pursuant to chapter 138, shall be an employee. The daily wage of the worker, for the purposes of calculating compensation payable under this chapter, shall be the usual going wage paid at the time of injury or death for similar services where such services are performed by paid employees.

In the event it is difficult to determine the daily wage as herein provided, then the trier of fact may determine the wage upon which the compensation is payable."

Page 1, line 14, after "(c)," insert "*or executive officers of a closely held corporation which employed less than the equivalent of 11 full time employees in the previous calendar year if those executive officers are also owners of at least 25 percent of the stock of that corporation,*"

Page 1, line 20, strike "or" and insert a comma

Page 1, line 22, before "elect" insert "*or executive officer of a closely held corporation*"

Page 1, line 5, strike "or" and insert a comma

Page 2, line 5, after "corporations" insert "*or closely held corporations*"

Renumber the sections in sequence

Amend the title as follows:

Line 5, strike "Section" and insert "Sections 176.011, Subdivision 9; and"

Mr. Nichols moved to amend S. F. No. 1753 as follows:

Page 2, after line 6, insert:

"Sec. 2. Minnesota Statutes, 1977 Supplement, Section 176.101, Subdivision 7, is amended to read:

Subd. 7. [COMPENSATION DURING RETRAINING.] For any injury producing permanent disability which will prevent the employee from adequately performing the duties of the occupation he held at the time of injury, or any other injury which will or is likely to produce indefinite and continuous disability in excess of 26 weeks, the commissioner of the department of labor and industry shall require that the injured employee be promptly referred to the division of vocational rehabilitation, department of education, or other public or private, properly accredited agency, to determine if retraining for a new occupation would significantly reduce or remove any reduction in employability caused by the injury. The employer shall pay any usual and reasonable expenses and charges for such evaluation. If the evaluating agency certifies to the commissioner of the department of labor and industry that a period of retraining will significantly reduce or prevent the decrease in employability resulting from the injury, and if the commissioner of the department of labor and industry, compensation judge, or worker's compensation court of appeals, in cases upon appeal, determines the retraining is necessary and makes an order for such compensation, the employer shall pay up to 156 weeks of additional compensation during the actual period of retraining according to the schedule of compensation for temporary total disability and shall pay any other expense determined as reasonably necessary to restore former earning capacity by the commissioner of labor and industry after consultation with the division of vocational rehabilitation to rehabili-

tate the employee. *No payment shall be due under section 176.101, subdivisions 1, 2, 4, or 5 for the actual period of retraining for which weekly compensation benefits are paid under this subdivision.*"

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 4, after the semicolon insert "providing retraining benefits for certain employees;"

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

Page 1, line 5, before the period insert "; and 176.101, Subdivision 7"

S. F. No. 1949, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 2, line 1, strike "other" and insert "elected"

Page 2, line 1, strike "or employment"

Page 2, line 3, strike "other than"

Page 2, line 4, strike "the office of notary public or" and insert "*or employment under the city, or employment under a police department of any city, other than as a*"

Amend the title as follows:

Page 1, line 4, after "councils;" insert "removing certain restrictions on other employment;"

S. F. No. 1848, which the committee recommends to pass with the following amendment offered by Mr. Laufenburger:

Page 1, line 17, strike "in"

Page 1, line 18, strike "*the dwelling unit*" and insert "*available on the premises*"

Page 1, line 19, after the period strike the new language

Page 1, strike lines 20 to 22

H. F. No. 1859, which the committee recommends to pass with the following amendment offered by Mr. Strand:

Page 18, line 18, strike "*quarterly*" and insert "*periodically as required by the applicable federal regulation*"

Page 18, line 24, after "*fund*" insert "*or by a retirement fund enumerated in section 356.30, subdivision 3,*"

Page 19, line 4, after "*fund*" insert "*or by a retirement fund enumerated in section 356.30, subdivision 3,*"

Page 19, line 20, after "*fund*" insert "*or by a retirement fund enumerated in section 356.30, subdivision 3,*"

Page 19, line 28, strike "*prior*" and insert "*or a retirement fund enumerated in section 356.30, subdivision 3, within the time period allowed under the applicable federal regulations*"

Page 19, line 29, strike "*to the quarterly reprogramming next*"

Page 20, line 2, after "*provision.*" insert "*For any former provisional member who becomes a regular member of a retirement fund enumerated in section 356.30, subdivision 3, the board of trustees shall require written certification of the fact of unsubsidized employment from the subsequent employer and of the fact of regular fund membership from the subsequent retirement fund.*"

H. F. No. 838, which the committee recommends to pass with the following amendment offered by Mr. Hanson:

Amend H. F. No. 838, as amended pursuant to Rule 49, adopted by the Senate March 8, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 322.)

Page 9, line 23, strike "*annual*"

Page 9, line 24, after "*levy*" insert "*, which can be levied not more than once every five years,*"

Page 17, after line 17, insert:

"*Sec. 16. This act is effective the day following final enactment.*"

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

Without objection, the Senate reverted to the Order of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 2527.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 13, 1978

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H. F. No. 2527: A bill for an act relating to the organization and operation of state government; clarifying, supplementing, and providing for deficiencies in appropriations for the expenses of state government with certain conditions; providing for payment of claims; shortening time for cancellation of certain drafts; authorizing fees and special accounts in certain cases; transferring duties; extending existence of advisory council on economic status of women; appropriating money; amending Minnesota Statutes 1976, Sections 3.736, Subdivision 7; 3.98, Subdivision 4; 10.15; 10A.20, Subdivision 3, as amended; 10A.27, Subdivision 4, as amended; 10.32, Subdivision 3, as amended; 15.061; 16.32, Subdivision 1;

16A.128; 16A.15, Subdivision 1; 16A.60; 16A.67, Subdivision 2; 60A.13, Subdivision 7; 60A.14, Subdivision 1; 136A.29, Subdivision 9; 242.385, Subdivision 1; 299C.10; 299C.11; 299D.03, Subdivision 6; 341.12; 363.14, Subdivision 1; 480.13; and Chapter 16A, by adding sections; Minnesota Statutes, 1977 Supplement, Sections 15A.083, Subdivision 4, and by adding a subdivision; 16.125, Subdivisions 1 and 3; 16.72, Subdivision 7; 43.42; 43.43, Subdivision 2; 120.17, Subdivision 7a; 139.18, Subdivision 2; 298.28, Subdivision 1; 473.591, Subdivision 3; 484.62; 484.68, Subdivision 6; and 484.68, by adding subdivisions; amending Laws 1976, Chapter 337, Sections 1, Subdivision 4; and 4; amending Laws 1977, Chapter 421, Section 13, by adding a subdivision; Laws 1977, Chapter 445, Section 3, Subdivision 3; Laws 1977, Chapter 454, Section 5, Subdivision 1; repealing Minnesota Statutes 1976, Sections 3.732, Subdivision 4; 16.171; 60A.13, Subdivisions 3 and 4; 162.19; 325.64 to 325.76; and 363.122.

SUSPENSION OF RULES

Mr. Moe moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 2527 and that the rules of the Senate be so far suspended as to give H. F. No. 2527 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 2527 was read the second time.

CALL OF THE SENATE

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

Ashbach	Frederick	Laufenburger	Penny	Solon
Benedict	Gearty	Lewis	Perpich	Spear
Borden	Gunderson	Luther	Peterson	Staples
Brataas	Hanson	McCutcheon	Pillsbury	Stokowski
Chenoweth	Humphrey	Menning	Purfeerst	Strand
Chmielewski	Kirchner	Merriam	Renneke	Stumpf
Coleman	Kleinbaum	Moe	Schaaf	Ueland, A.
Davies	Knaak	Nelson	Schrom	Vega
Engler	Knoll	Olhoft	Sieloff	Wegener

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

Mr. Moe moved to amend H. F. No. 2527 as follows:

Strike everything after the enacting clause and insert:

"Section 1. [STATE GOVERNMENT; APPROPRIATIONS.] The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1978", and "1979", wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1978, or June 30, 1979, respectively.

APPROPRIATIONS
Available for the year
Ending June 30,
1978 1979

\$

\$

Sec. 2. LEGISLATIVE COORDINATING COMMISSION

For the Advisory Council on Economic Status of Women

70,000

Sec. 3. LEGISLATIVE COMMISSION ON PENSIONS AND RETIREMENT

5,000

12,000

These appropriations are added to the appropriations in Laws 1977, Chapter 455, Section 2, Subdivision 5.

Sec. 4. SUPREME COURT

Subdivision 1. Salaries and fringe benefits for district court administrators

125,938

This appropriation is added to the appropriation in Laws 1977, Chapter 432, Section 47, Subdivision 1.

Subd. 2. Salary increase for state court administrator

5,000

Subd. 3. State Judicial Information Systems Project

259,870

Subd. 4. The appropriations in subdivisions 2 and 3 are added to the appropriations in Laws 1977, Chapter 455, Section 3, Subdivision 1.

Sec. 5. ATTORNEY GENERAL

237,003

Approved complement

General—add 9

These positions and money are subtracted from the approved complement and fiscal 1979 appropriation to the commissioner of public welfare in Laws 1977, Chapter 453, Section 2, Subdivision 1, and are added to the approved complement and appropriation to the attorney general for fiscal year 1979 in Laws 1977, Chapter 455, Section 16, Subdivision 1.

Sec. 6. ADMINISTRATION

Subdivision 1. For the state contribution to the Council of State Governments

8,910

This appropriation is added to the appropriation for general support in Laws 1977, Chapter 455, Section 20.

	1978	1979
	\$	\$
Subd. 2. For expenses of the attorney general elect		7,500

Subd. 3. Money appropriated for energy surveys of state buildings in Laws 1977, Chapter 455, Section 20 is available until June 30, 1979.

Sec. 7. PERSONNEL

Subdivision 1. For a personnel management information system, PRIDE phases 1 and 2

800,000

Of this appropriation, \$735,000 is available for expenditure only with the approval of the governor after consultation with the legislative advisory commission in the manner provided in Minnesota Statutes, Section 3.30.

This appropriation is available until June 30, 1979.

Subd. 2. Services to political subdivisions

12,530

12,562

These appropriations are added to the appropriations for personnel technical services in Laws 1977, Chapter 455, Section 23.

Sec. 8. PERSONNEL BOARD

45,571

Sec. 9. REVENUE

Approved Complement—add 9

Subdivision 1. Collection, audit, and administration of stadium liquor tax

100,000

89,000

Subd. 2. Auditing and enforcing production tax on taconite and iron sulphides

50,000

Subd. 3. Compilation and analysis of mineral exploration data, pursuant to section 298.48

150,000

Subd. 4. The appropriations in subdivision 1 are added to the appropriations for income, sales and use tax management, and the appropriations in subdivisions 2 and 3 are added to the appropriation for property and special taxes management, in Laws 1977, Chapter 455, Section 25.

	1978	1979
	\$	\$
<p>Subd. 5. Any unencumbered balance at the end of the first year of the biennium from the \$300,000 appropriated to the commissioner by Laws 1977, Chapter 423, Article XI is available for the second year and is added to the second year appropriation for revenue management, income, sales and use tax management, and property and special taxes management in Laws 1977, Chapter 455, Section 25.</p>		
<p>Sec. 10. AGRICULTURE</p>		
Approved Complement—add 2		
For agricultural promotion councils	22,518	78,000
<p>Sec. 11. NATURAL RESOURCES</p>		
Approved Complement		
General—add 20		
Game and Fish—subtract 9		
<p>Six of these new persons are regional trails coordinators now working for the department on temporary non-complement status. One person is a park manager for St. Croix Wild River state park.</p>		
<p>Subdivision 1. The appropriation in Laws 1977, Chapter 455, Section 28, for peat studies in fiscal 1978 is available until June 30, 1979.</p>		
Subd. 2. For controlling smelt fishing activities on the north shore	5,000	
<p>This appropriation is added to the appropriation for this purpose for fiscal 1978 in Laws 1977, Chapter 455, Section 28.</p>		
<p>Sec. 12. POLLUTION CONTROL AGENCY</p>		
<p>The appropriation for 1977 in Laws 1977, Chapter 455, Section 31, Subdivision 2 is available until June 30, 1979.</p>		
<p>Sec. 13. ENERGY AGENCY</p>		
For preparation and promotion of a proposal for production and marketing of industrial hydrocarbons derived from agricultural commodities and forest products	150,000	

1978

1979

\$

\$

The commissioners of agriculture and economic development and the directors of the energy and pollution control agencies shall jointly review all proposals by Minnesota organizations and individuals for pilot projects for production and marketing of industrial hydrocarbons derived from agricultural commodities and forest products pursuant to the Food and Agriculture Act of 1977, Pub. L. No. 95-113, Section 1420, 91 Stat. 998 (1977), and shall select one proposal to be recommended to the legislative advisory commission for endorsement and promotion by the state of Minnesota when it is submitted to the secretary of agriculture for funding.

This appropriation is available until June 30, 1979 for expenditure by the energy agency for the purposes indicated, with the approval of the governor after consultation with the legislative advisory commission in the manner provided in Minnesota Statutes, Section 3.30.

Sec. 14. COMMERCE

Subdivision 1. To provide sufficient money for continuation of implementation of a statewide licensing system for non-health related licensing boards

150,000

This appropriation is available until June 30, 1979.

Subd. 2. Of the appropriation made in Laws 1977, Chapter 453, Section 2, Subdivision 3, to the commissioner of public welfare for income maintenance programs, \$200,000 is transferred to the commissioner of insurance for the biennium ending June 30, 1979 in order to reimburse the comprehensive health association for the first \$200,000 claims expenses of the state plan incurred after June 30, 1978 which are in excess of premium payments allocated to the payment of benefits.

Notwithstanding any law to the contrary, insurers, fraternal and health maintenance organizations which are members of the association may recover any claims expenses and operating and administra-

1978

1979

\$

\$

tive expenses of the association assessed against them through accident and health insurance premiums, subscriber contract charges, or health maintenance organization contract charges.

Notwithstanding the provisions of section 62E.08, subdivision 2, premiums charged for the state plan shall not exceed 125 percent of the premiums determined pursuant to section 62E.08, subdivision 1, except as this applies to health maintenance organizations whose charges for the state plan shall be based on generally accepted actuarial principles.

Sec. 15. BOARD OF ACCOUNTANCY

9,555

Approved Complement—add 1

Sec. 16. BOARD OF PEACE OFFICER STANDARDS AND TRAINING

Approved Complement—add 2

Sec. 17. ECONOMIC DEVELOPMENT

For an expanded tourism program

800,000

This appropriation is added to the appropriation for tourism industry services for fiscal 1979 in Laws 1977, Chapter 455, Section 48.

The limitations in that section on the amounts spent for tourism advertising and promotion and for tourism grants in fiscal 1979 are cancelled.

Of this appropriation, \$300,000 is for media advertising.

\$60,000 is for promotion.

\$100,000 is for statewide marketing research.

\$90,000 is for matching grants to regional tourism organizations. Each regional tourism organization shall report to the commissioner of economic development by October 1, 1979 on the expenditure of money from this appropriation. The commissioner shall compile the reports and

1978

1979

\$

\$

submit them to the legislature by November 15, 1979.

\$100,000 is for matching grants to local and statewide organizations for special events.

\$150,000 is for additional tourism publications.

The nonstate match for tourism projects may be supplied from public money, private contributions, or both, but shall not include revenue from advertising in tourism publications.

Sec. 18. PUBLIC SAFETY

Approved Complement

General—add 12

Trunk Highway—subtract 12

Subdivision 1. Money appropriated for the criminal justice data communications network for fiscal 1978 by Laws 1977, Chapter 455, Section 51 is available until June 30, 1979.

Subd. 2. For assisting crime and fire prevention

121,000

Of this appropriation, \$50,000 is for the purpose of investigating cross jurisdictional criminal activity. County sheriffs or the chief administrative officer of city police departments may use this amount for criminal investigatory activity, including purchase of information, relating to violations of section 609.32, subdivision 2 or subdivision 3 paragraphs 3 or 6. Application for funds, and reports at the conclusion of investigations, shall be made as provided in Laws 1977, Chapter 455, Section 51.

\$46,000 is for the establishment of programs by the superintendent of the bureau of criminal apprehension for training peace officers and firefighters in the conduct of investigations relating to the origin and cause of fires. Courses shall include fire scene investigation and preservation of evidence, interviewing of wit-

1978

1979

\$

\$

nesses and suspects, constitutional limits on interrogation by sworn and nonsworn officers, and other topics deemed necessary to the successful criminal investigation of arson and crimes related thereto. No more than \$38,000 shall be expended for reimbursing 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 courses offered by the bureau. Volunteer firefighters or peace officers from political subdivisions shall be reimbursed at a rate not to exceed \$35 per day plus 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. An officer from the county sheriffs' office shall satisfy the reimbursement requirement in the event a political subdivision does not have a local police department.

\$25,000 is for use by the commissioner for reimbursing political subdivisions who enter into agreements to perform uniform fire code inspections required by chapters 299F and 299I. Nothing herein shall be construed as shifting or imposing any tort liability on political subdivisions that perform fire code inspections under agreement with the commissioner.

This appropriation is available until June 30, 1979.

The appropriation for purchase of drugs and acquisition of information relating to possession and sale of controlled substances in Laws 1977, Chapter 455, Section 51 is decreased by \$100,000. The appropriation for purchase of contraband and information relating to receiving or selling stolen goods in Laws 1977, Chapter 455, Section 51 is decreased by \$50,000.

Subd. 3. For overtime, lodging, and expense costs of highway patrol personnel

	1978	1979
	\$	\$
directly attributable to the power line dispute	1,080,000	

Subd. 4. The limitation in Laws 1977, Chapter 455, Section 51 on fiscal 1979 spending for air patrolling of highways is cancelled. The commissioner of public safety may assign up to nine pilots to the air patrolling of highways.

Subd. 5. Money appropriated for a sound enforcement study by Laws 1977, Chapter 454, Section 3, Subdivision 11 is available until June 30, 1979.

Sec. 19. CRIME CONTROL PLANNING BOARD

Approved Complement

General—32

Federal—42

To offset a decline in appropriations of federal money

500,000

Of this appropriation, \$196,000 is for grants to regional and local units of government for planning purposes.

These appropriations are added to the appropriations in Laws 1977, Chapter 455, Section 11, Subdivision 4.

If federal Part B money received by the board and available for expenditure in fiscal 1979 exceeds \$535,000 the state appropriation for fiscal 1979 is reduced by the amount of the excess.

The legislative audit commission shall examine the activities and functions currently performed by staff of the Minnesota crime control planning board, regional crime control advisory councils, local criminal justice coordinating councils, and any other recipient of LEAA funds which participates in planning, evaluation, research, auditing or other administrative purposes of federal crime control acts as defined in section 299A.03. The audit commission shall conduct both a financial audit and program evaluation. The audit commission shall pre-

1978

1979

\$

\$

pare a report that recommends an organizational structure that complies with federal requirements but minimizes duplication of effort by state, regional, and other personnel. The report shall be provided to the legislature no later than November 30, 1979.

Sec. 20. HUMAN RIGHTS

For administrative costs of CETA personnel

26,248

Sec. 21. HOUSING FINANCE AGENCY

Approved Complement

1979-99

Spending limit on cost of general administration of agency programs

2,235,037

Sec. 22. EDUCATION

Approved Complement

1979

General—add 1

Federal—add 3

Subdivision 1. Substitutes for teachers assisting the board of teaching, pursuant to section 125.183, subdivision 6

25,900

Subd. 2. The department of education may submit a plan to the federal commissioner of education for the expenditure of money pursuant to the Career Education Incentive Act, Pub. L. No. 95-207, 91 Stat. 1464 (1977). The three federal positions authorized by this section shall be used only for the purposes of career education pursuant to a career education plan approved by the federal commissioner of education.

Subd. 3. Of the appropriation in Laws 1977, Chapter 449, Section 2, Subdivision 3, Clause (a), for fiscal 1978, \$150,000 is available until June 30, 1979 for ancillary and support services, and \$40,000 is available until June 30, 1979 for the salary and expenses of the

	1978	1979
	\$	\$
state schools coordinator, both at the Minnesota school for the deaf and the braille and sight-saving school.		
Subd. 4. For Uniform Financial Accounting Reporting System staff		175,000
This appropriation is added to the appropriation for this purpose in Laws 1977, Chapter 449, Section 2, Subdivision 5, Clause (b).		
Subd. 5. For reimbursement of the T.I.E.S. regional management information center for costs incurred in converting to the statewide management information system	500,000	450,000
The appropriation for fiscal 1978 is available until June 30, 1979.		
These appropriations are added to the appropriations for this purpose in Laws 1977, Chapter 449, Section 2, Subdivision 5, Clause (b).		
The department of education shall determine which costs are eligible for reimbursement.		
Subd. 6. For food storage costs for U.S.D.A. donated commodities	135,000	20,000
These appropriations are added to the appropriations for this purpose in Laws 1977, Chapter 449, Section 2, Subdivision 5, Clause (c). Of the unexpended balance of money in that clause for either year the type A lunch program, \$158,000 is available for this purpose.		
Subd. 7. Of the appropriation for reimbursement to school districts for child health screening costs in Laws 1977, Chapter 437, Section 6, Subdivision 2, Clause (b) for fiscal year 1979, \$410,000 is available for fiscal year 1978.		
Sec. 23. STATE HORTICULTURAL SOCIETY		
For the garden state project		55,700
Sec. 24. MINNESOTA HISTORICAL SOCIETY		

	1978	1979
	\$	\$
Subdivision 1. Operations, management, and maintenance of Hill House		181,500
Subd. 2. Contingent for operations, management, and maintenance		200,000
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.		

Subd. 3. For payment to the Minnesota International Center for its educational, cultural, and economic programs 30,000

This appropriation is available until June 30, 1979.

Sec. 25. TRANSPORTATION

Subdivision 1. For grants to the Twin Cities area metropolitan transit commission for special transportation service to the handicapped, pursuant to the public transit subsidy program under Minnesota Statutes, Section 174.24 800,000

Subd. 2. For a study of tourist information needs 40,000

The commissioner of transportation shall, in cooperation with the commissioner of economic development and other interested parties, conduct a survey of providers and users of tourist oriented facilities in Minnesota to identify their informational needs including but not limited to directional signing and recommend to the legislature by January 1, 1979 alternative proposals for providing information to motorists about tourist oriented facilities.

The commissioners of transportation and economic development shall prepare and submit a work program by May 17, 1978 and furnish reports every two months to the legislative commission on Minnesota resources. None of the moneys provided in this subdivision may be expended unless the commission has approved the work program.

Sec. 26. HEALTH

	1978	1979
	\$	\$
Subdivision 1. To provide sufficient money for continuation of implementation of a statewide licensing system for health related licensing boards	100,000	
This appropriation is available until June 30, 1979		
Subd. 2. To furnish health services pursuant to the 1976 edition of Minnesota Statutes, Section 145.922, Subdivision 1		75,000
Subd. 3. To furnish Indian health services pursuant to Minnesota Statutes, Section 145.922, Subdivision 2		75,000
Subd. 4. For wells, soil and chemical analysis, geological and hydrological studies, well abandonment, and lab testing for model design	227,000	
This appropriation is available until June 30, 1979.		

Sec. 27. CORRECTIONS

Subdivision 1. To the prison revolving account to replace fire losses to raw materials in the cordage building in June, 1977	80,000
Subd. 2. To pay legal settlement awarded an inmate for damage to his hand in an industrial accident	50,000
Subd. 3. To establish a secure recreation area at the Northwest Regional Correction Center	11,500

This appropriation is available until June 30, 1979.

Subd 4. For the Arrowhead Regional Corrections System	200,000
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This appropriation is available until June 30, 1979.

Sec. 28. PUBLIC WELFARE

Subdivision 1. The approved complement for state hospitals is increased by up to 230 positions for fiscal year 1979. As the mentally retarded patient population de-

1978

1979

\$

\$

creases, the number of state funded positions shall be reduced in order to retain the same ratio of patients to state funded staff.

This appropriation is to meet the staffing requirements set forth in Part III of the consent decree for Cambridge state hospital, in the case of Welsh, et al. vs. Dirkswager, et al., for mentally retarded residents of the several state hospitals operating under the direction of the commissioner of public welfare.

For state hospital salaries

2,684,000

This appropriation is added to the appropriation for state hospital salaries in Laws 1977, Chapter 453, Section 2, Subdivision 4.

Subd. 2. Rum River Lumber Company 100,000

This amount shall be paid to the Rum River Lumber Company, Anoka, Minnesota, representing payment for loss of income and property damage not covered by insurance resulting from a fire set by an escaped inmate of Anoka state hospital, in full and final payment of a claim against the state. Payment shall be made when the Rum River Lumber Company dismisses the lawsuit authorized by Laws 1975, Chapter 158, Section 4.

This appropriation is available until June 30, 1979.

Payment of this claim shall not be considered an endorsement of the particular theory of state responsibility for a patient of a state institution on which this case was submitted to the jury.

Laws 1975, Chapter 158, Section 4, is superseded by this subdivision.

Sec. 29. UNEMPLOYMENT COMPENSATION

To the commissioner of finance for transfer to the unemployment compensation fund in reimbursement for unemploy-

1978

1979

\$

\$

ment compensation benefits paid to former employees of the bicentennial commission

11,135

Sec. 30. Minnesota Statutes 1976, Section 3.736, Subdivision 7, is amended to read:

Subd. 7. [PAYMENT.] A state agency, including any entity defined as part of the state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur the obligation ~~may shall seek approval to make payment from money appropriated for this purpose~~ by submitting a written request to the commissioner of finance. The request shall contain a description of the tort claim precipitating the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the agency is seeking payment. Upon receipt of the request and review of the claim, the commissioner of finance shall ~~transfer money necessary to pay the obligation to the agency~~ determine the proper appropriation from which to make payment. If there is sufficient money in an appropriation or combination of appropriations to the agency for its general operations and management to allow the claim to be paid from that source without unduly hindering the operation of the agency, the commissioner shall direct that payment be made from that source. Claims relating to activities paid for by appropriations of dedicated receipts shall be paid from those appropriations if practicable. If the commissioner determines that an agency has sufficient money in these appropriations to pay only part of a claim, the commissioner shall pay the remainder of the claim from the money appropriated to him for this purpose. If the commissioner determines that the agency does not have sufficient money to pay any part of the claim, the commissioner shall pay all of the claim from money appropriated to him for this purpose. On January 1 and July 1 of each year, the commissioner of finance shall transmit to the legislature and to the chairmen of the house appropriations and senate finance committees copies of all requests in the preceding six months together with a report on the ~~transfers payments~~ made with respect to each request. Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general, or the person designated as the university attorney, as the case may be.

No attachment or execution shall issue against the state.

Sec. 31. Minnesota Statutes 1976, Section 3.98, Subdivision 3, is amended to read:

Subd. 3. A copy of the fiscal note shall be delivered to the chairman of the committee of appropriations of the house of representatives, the chairman of the committee of finance of the senate, the chairman of the standing committee to which the bill has been

referred, to the chief author of the bill and to the commissioner of ~~administration~~ *finance* .

Sec. 32. Minnesota Statutes 1976, Section 3.98, Subdivision 4, is amended to read:

Subd. 4. The commissioner of ~~administration~~ *finance* shall prescribe a uniform procedure to govern the departments and agencies of the state in complying with the requirements of this section.

Sec. 33. Minnesota Statutes 1976, Section 10.15, is amended to read:

10.15 [TIME OF CANCELATION.] No draft or account for a sum in excess of \$25 ~~\$100~~ shall be canceled until more than six years after the issuance of such draft or the due date of such account, and nothing in sections 10.12 to 10.15 shall be construed as a cancellation or abandonment of the state's claim against the person or corporation against whom the canceled draft was drawn or account held, but the state shall nevertheless have authority to make collection thereof.

Sec. 34. Minnesota Statutes 1976, Section 10A.20, Subdivision 3, as amended by Laws 1978, Chapter 463, Section 52, is amended to read:

Subd. 3. Each report under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or occupation if self-employed, of each individual, political committee or political fund who within the year has made one or more transfers or donations in kind to the political committee or political fund, including the purchase of tickets for all fund raising efforts, which in aggregate exceed \$50 for legislative candidates or \$100 for statewide candidates, together with the amount and date of each transfer or donation in kind, and the aggregate amount of transfers and donations in kind within the year from each source so disclosed. A donation in kind shall be disclosed at its fair market value. An approved expenditure is listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors shall be listed in alphabetical order;

(c) The sum of contributions to the political committee or political fund during the reporting period;

(d) Each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, continuously reported until repaid or forgiven, together with the name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. If any loan made to the principal campaign committee of a candidate is forgiven at any time or repaid by any entity other than that principal campaign committee, it shall be reported as a contribution for the year in which the loan was made;

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The sum of all receipts of the political committee or political fund during the reporting period;

(g) The name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by or on behalf of the political committee or political fund within the year in excess of \$100, together with the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made and, in the case of independent expenditures made in opposition to a candidate, the name, address and office sought for each such candidate;

(h) The sum of all expenditures made by or on behalf of the political committee or political fund during the reporting period;

(i) The amount and nature of any advance of credit incurred by the political committee or political fund, continuously reported until paid or forgiven. If any advance of credit incurred by the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that principal campaign committee, it shall be reported as a donation in kind for the year in which the advance of credit was incurred;

(j) The name and address of each political committee, political fund, or principal campaign committee to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;

(k) The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period;

(l) *For principal campaign committees only*, the sum of non-campaign disbursements made in each category listed in section 10 of this act by the political committee, political fund, or principal campaign committee during the reporting period; and

(m) The sum of all noncampaign disbursements made by the political committee, political fund, or principal campaign committee during the reporting period.

Sec. 35. Minnesota Statutes 1976, Section 10A.27, Subdivision 4, as amended by Laws 1978, Chapter 463, Section 78, is amended to read:

Subd. 4. For the purposes of this section, a political party means the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts each substate unit which elects delegates to the convention of a larger unit or to the national party convention.

Sec. 36. Minnesota Statutes 1976, Section 10A.32, Subdivision

3, as amended by Laws 1978, Chapter 463, Section 98, is amended to read:

Subd. 3. As a condition of receiving any moneys from the state elections campaign fund, a candidate shall agree by stating in writing to the board that (a) his expenditures and approved expenditures shall not exceed the expenditure limits as set forth in section 10A.25 and that (b) he shall not accept contributions or allow approved expenditures to be made on his behalf for the period beginning with January 1 of the election year or with the registration of his principal campaign committee, whichever occurs later, and ending December 31 of the election year, which aggregate contributions and approved expenditures exceed the difference between the amount which may legally be expended by him or on his behalf, and the amount which he receives from the state elections campaign fund. The agreement, insofar as it relates to the expenditure limits set forth in section 10A.25, remains effective until the dissolution of the principal campaign committee of the candidate or the opening of filings for the next succeeding election to the office held or sought at the time of agreement, whichever occurs first. Beginning in 1980, money in the account of the principal campaign committee of a candidate on January 1 of the election year for the office held or sought shall be considered contributions accepted by that candidate in that year for the purposes of this subdivision. Notwithstanding the effective date of this section, for 1978, the period for determining the aggregate contribution and approved expenditure limit agreed to pursuant to this subdivision shall begin January 1, 1978. That amount of all contributions accepted by a candidate in an election year which equals the amount of noncampaign disbursements made by that candidate in that year, *and the amount of contributions received and approved expenditures made between January 1, 1978, and February 28, 1978 which equals the amount of expenditures made between January 1, 1978, and February 28, 1978, for goods consumed and services used before February 28, 1978,* shall not count toward the aggregate contributions and approved expenditure limit imposed by this subdivision. Any amount by which his aggregate contributions and approved expenditures agreed to under clause (b) exceed the difference shall be returned to the state treasurer in the manner provided in subdivision 2. In no case shall the amount returned exceed the amount received from the state elections campaign fund.

The candidate may submit his signed agreement to the filing officer on the day he files his affidavit of candidacy or petition to appear on the ballot, or he may submit the agreement to the board no later than September 1.

The board prior to the first day of filing for office shall forward forms for the agreement to all filing officers. The filing officer shall without delay forward signed agreements to the board. An agreement may not be rescinded after September 1.

For the purposes of this subdivision only, the total amount to be distributed to each candidate is calculated to be his share of the

total estimated funds in his party account as provided in subdivision 3a, plus the total amount estimated as provided in subdivision 3a to be in the general account of the state elections campaign fund and set aside for that office divided by the number of candidates whose names are to appear on the general election ballot for that office. If for any reason the amount actually received by the candidate is greater than his share of the estimate, and his contributions thereby exceed the difference, the agreement shall not be considered violated.

Sec. 37. Minnesota Statutes 1976, Chapter 16A, is amended by adding a section to read:

[16A.276] [CASH OVERAGE AND SHORTAGE ACCOUNT.] *The commissioner of finance may establish accounts to record on a daily basis discrepancies between actual cash receipts and recorded cash receipts including losses from forged and uncollectible checks. At the end of each fiscal year, these accounts shall be cleared by transferring balances to the general fund and paying all deficits from the operating accounts of the various agencies generating the deficit. A report of all these adjustments shall be made to the legislative audit commission upon closing the books of account each fiscal year.*

Sec. 38. Minnesota Statutes 1976, Chapter 16A, is amended by adding a section to read:

[16A.281] [LEGISLATIVE APPROPRIATIONS.] *Section 16A.28 is inapplicable to appropriations made to the legislature, the senate, the house of representatives or its committees or commissions. An appropriation made to the legislature, the senate, the house of representatives or their standing committees for a fiscal biennium or any part thereof shall be available for expenditure in either year of the biennium or for the fiscal year preceding or following the biennium. An appropriation made to a committee or commission of the legislature if unexpended during the first year of a fiscal biennium is available for expenditure during the second year thereof, but any unexpended balance remaining at the end of the biennium shall lapse and be returned to the fund from which appropriated.*

Sec. 39. Minnesota Statutes 1976, Section 16A.60, is amended to read:

16A.60 [COMMISSIONER OF FINANCE TO REIMBURSE GENERAL FUND.] *The commissioner of finance is directed to deduct or reserve, as authorized from time to time by law, shall transfer from the highway user tax distribution fund to the general fund a sufficient sum of money which shall constitute a special account for the payment of to reimburse the general fund for the costs of collecting the taxes provided for in Article 14 of the Constitution of the State of Minnesota and for payment of refunds of such taxes as is authorized by law. A sum of money sufficient for such purpose is appropriated from the highway user tax distribution fund. Thereafter all moneys in the highway user tax distribution fund not needed to reimburse such special account*

for money paid out of such special account for refunds and collection costs shall be transferred as provided in Article 14 of the Constitution of the State of Minnesota.

Sec. 40. Minnesota Statutes 1976, Section 43.064, is amended to read:

43.064 [OTHER SALARIES SET BY COMMISSIONER OF PERSONNEL.] Notwithstanding any other law to the contrary, salaries for all unclassified positions in the executive branch not enumerated in the listing described in section 15A.081, shall be established by the commissioner of personnel except for the following: (1) positions listed in section 15A.083; (2) positions listed in section 299D.03; (3) employees in the office of the governor whose salaries shall be determined by the governor; (4) employees in the office of the attorney general; (5) positions in the state university system, the community college system, and in the higher education coordinating board whose primary duties consist of instructing and counseling students, directing academic programs of schools, divisions or departments of colleges and community colleges, or conducting research on academic subjects, *and the positions of state university presidents*. Individual salaries for positions enumerated in clauses (4) and (5) shall be determined by the attorney general, the state university board, the state board for community colleges, and the higher education coordinating board, respectively, within the limits of salary plans which shall have been approved by the commissioner of personnel before becoming effective.

No provision of any subsequent law relating to salaries of state employees shall be construed as inconsistent with this section unless it is expressly provided in such subsequent act that the provisions of this section shall not be applicable or shall be superseded, amended, or repealed.

Sec. 41. Minnesota Statutes, 1977 Supplement, Section 43.067, Subdivision 1, is amended to read:

43.067 [SALARY LIMITS.] Subdivision 1. **[AGENCY HEADS AND DEPUTIES.]** The base salary of the head of any state department or other agency in the executive branch shall serve as the upper limit of compensation in the agency. *The base salary of the chancellor of the state university system is the upper limit of compensation of state university presidents.* Within the agency, no person other than the agency head shall be paid more than the base salary that is or would be paid a deputy agency head pursuant to section 15A.081 whether or not there is a deputy agency head position for that agency.

Sec. 42. Minnesota Statutes 1976, Section 43.12, is amended by adding a subdivision to read:

Subd. 27. Notwithstanding the provisions of this section or any other law to the contrary, the commissioner of personnel may establish a system of incentive commission rates for those state employees engaged in the sale of products manufactured or processed at state adult correctional institutions.

Sec. 43. Minnesota Statutes 1976, Section 60A.13, Subdivision 7, is amended to read:

Subd. 7. [EXCEPTIONS.] ~~(1)~~ To file statement. No fraternal beneficiary association, nor any social corporation paying only sick benefits not exceeding \$250 in any one year, or funeral benefits, or aiding those dependent on a member not more than \$350, nor any subordinate lodge or council which is, or whose members are, assessed for benefits which are payable by a grand body, shall be required to make such statements.

~~(2)~~ To prepare abstract and publish. The commissioner shall not be required to prepare abstracts of the annual statement of fraternal beneficiary associations and reciprocal or interinsurance exchanges, nor shall such associations or exchanges be required to publish an abstract or summary of the statement.

Sec. 44. Minnesota Statutes 1976, Section 60A.14, Subdivision 1, is amended to read:

60A.14 [FEES.] Subdivision 1. [FEES OTHER THAN EXAMINATION FEES.] In addition to the fees and charges provided for examinations, there shall be paid to the commissioner, and by him accounted for and paid into the state treasury, the following fees:

(1) By township mutual fire insurance companies:

(a) For filing certificate of incorporation \$25 and amendments thereto, \$10;

(b) For filing annual statements, \$15;

(c) For each annual certificate of authority, \$15;

(d) For filing bylaws \$25 and amendments thereto, \$10.

(2) By other domestic and foreign companies including fraternal and reciprocal exchanges:

(a) For filing certified copy of certificate of articles of incorporation, \$50;

(b) For filing annual statement, \$30;

(c) For filing certified copy of amendment to certificate or articles of incorporation, \$50;

(d) For filing bylaws or amendments thereto, \$10;

(e) Each company's certificate of authority, \$30, annually ;

~~(f) For abstract or summary of annual statement for publication when prepared by commissioner, \$50 .~~

(3) General fees: (a) For each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, \$5;

(b) For each copy of paper on file in his office 50 cents per page, and \$2.50 for certifying the same;

(c) For license to procure insurance in unadmitted foreign companies, \$10;

(d) For receiving and forwarding each notice, proof of loss, summons, complaint or other process served upon the commissioner of insurance, as attorney for service of process upon any non-resident agent or insurance company, including reciprocal exchanges, \$5 (which amount shall be paid by the party serving same and may be taxed as other costs in the action);

(e) For valuing the policies of life insurance companies, one cent per one thousand of insurance so valued; (the commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from such company's own actuary or from the commissioner of insurance of the state or territory in which such company shall be domiciled);

(f) For receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

(g) For issuing a non-resident agent's license, \$10;

(h) For taking an examination for one line of insurance, \$10 and an additional \$10 for each examination for an additional line of insurance or for re-examination in any one line;

(i) For each new agent's license requested or for the requested renewal of an existing agent's license, the insurer shall remit \$3; and for each amendment requested on the license, the insurer shall remit \$1.

(4) All fees received by the commissioner pursuant to the provisions of this section shall be paid by him into the state treasury.

Sec. 45. Minnesota Statutes 1976, Section 62A.149, Subdivision 1, is amended to read:

62A.149 [BENEFITS FOR ALCOHOLICS AND DRUG DEPENDENTS.] Subdivision 1. ~~No policy or plan of insurance regulated under this chapter, or subscriber contract offered by a nonprofit health service plan corporation regulated under chapter 62C shall be delivered, issued, executed or renewed in this state, or approved for issuance or renewal in this state by the commissioner of insurance unless the policy, plan or contract specifically includes and provides health service benefits to any subscriber or other person covered thereunder, on the same basis as other benefits, for the treatment of alcoholism, chemical dependency or drug addiction in~~ *The provisions of this section shall apply to all group policies of accident and health insurance and group subscriber contracts offered by nonprofit health service plan corporations regulated under chapter 62C when the policies or subscriber contracts are issued or delivered in Minnesota or provide benefits to Minnesota residents enrolled thereunder.*

Every group insurance policy or group subscriber contract included within the provisions of this subdivision, upon issuance or

renewal, shall provide for payment of benefits for the treatment of alcoholism, chemical dependency or drug addiction to any Minnesota resident entitled to coverage thereunder on the same basis as coverage for other benefits when treatment is rendered in

(1) a licensed hospital,

(2) a residential treatment program as licensed by the state of Minnesota pursuant to diagnosis or recommendation by a doctor of medicine,

(3) a non-residential treatment program approved or licensed by the state of Minnesota.

Provided, however, that the restrictions and requirements of this subdivision shall not apply to any plan or policy which is individually underwritten or provided for a specific individual and the members of his family as a non-group policy.

Sec. 46. Minnesota Statutes, 1977 Supplement, Section 120.17, Subdivision 7a, is amended to read:

Subd. 7a. [ATTENDANCE AT SCHOOL FOR THE HANDICAPPED.] Responsibility for special instruction and services for a visually disabled or hearing impaired child attending the Minnesota school for the deaf or the Minnesota braille and sight-saving school shall be determined in the following manner:

(a) The legal residence of the child shall be the school district in which his parent or guardian resides.

(b) When it is determined pursuant to section 128A.05, subdivisions 1 or 2 that the child is entitled to attend either school, the state board shall provide the appropriate educational program for the child. The state board shall make a tuition charge to the child's district of residence for the actual cost of providing the program; provided, however, that the amount of tuition charged shall not exceed \$2,000 for any school year. The district of the child's residence shall pay the tuition and may claim foundation aid for the child. All tuition so received shall be deposited in the state treasury.

(c) When it is determined that the child can benefit from public school enrollment but that the child should also remain in attendance at the applicable school, the school district where the institution is located shall provide an appropriate educational program for the child and shall make a tuition charge to the state board for the actual cost of providing the program, less any amount of aid received pursuant to section 124.32. The state board shall pay the tuition and other program costs including the unreimbursed transportation costs. Aids for handicapped children shall be paid to the district providing the special instruction and services. Special transportation shall be provided by the district providing the educational program and the state shall reimburse such district within the limits provided by law †.

(d) Notwithstanding the provisions of clauses (b) and (c), the state board may agree to make a tuition charge for less than the

amount specified in clause (b) for pupils attending the applicable school who are residents of the district where the institution is located and who do not board at the institution, if that district agrees to make a tuition charge to the state board for less than the amount specified in clause (c) for providing appropriate educational programs to pupils attending the applicable school.

(e) Notwithstanding the provisions of clauses (b) and (c), the state board may agree to supply staff from the Minnesota school for the deaf and the Minnesota braille and sight-saving school to participate in the programs provided by the district where the institutions are located when the programs are provided to students in attendance at the state schools.

Sec. 47. Minnesota Statutes 1976, Section 120.17, Subdivision 9, is amended to read:

Subd. 9. [SPECIAL INSTRUCTION.] After August 15, 1977, no resident of a district who is eligible for special instruction and services pursuant to this section shall be denied provision of this instruction and service on a shared time basis because of attendance at a nonpublic school defined in section 123.932, subdivision 3. Nothing in this subdivision shall be construed to prevent any school district from providing special instruction and services pursuant to section 120.17 on a shared time basis prior to August 15, 1977.

(1) Except as provided in clause (2), no school district shall deny provision of special instruction and services pursuant to this section on a shared time basis to any handicapped child who attends a nonpublic school, as defined in section 123.932, subdivision 3, which is located within the district. The district shall provide necessary transportation within the district for handicapped pupils who are provided special instruction and services on a shared time basis. Notwithstanding the provisions of section 124.212, subdivision 9a, if a handicapped nonpublic school pupil is not a resident of the district of attendance which provides him special instruction and services pursuant to this subdivision, the district of attendance shall claim the pupil as a resident for state aid purposes and state aid shall be paid to the district of attendance. The unreimbursed actual cost of providing the special instruction and services may be billed to the district of the child's residence and shall be paid by the resident district. The tuition rate shall be subject to appeal to the commissioner by the resident district according to the provisions of subdivision 4. Prior to October 1 or 30 days after the commencement of the provision of special instruction and services pursuant to this subdivision, whichever is later in the school year, the providing district shall give notice to the district of residence of its intention to bill the resident district for the unreimbursed costs of the special instruction and services.

(2) If both districts agree that special instruction and services can be provided to a handicapped nonpublic school pupil more appropriately by his district of residence than by the district where the nonpublic school is located, the district of residence

may provide the special instruction and services. If the nonpublic school is located in a contiguous district, the district of residence may transport the pupil between the nonpublic school and an educational facility in the district of residence for this purpose.

(3) This subdivision shall only apply to Minnesota resident handicapped children.

Sec. 48. Minnesota Statutes 1976, Section 125.183, is amended by adding a subdivision to read:

Subd. 6. The board may reimburse local school districts for the costs of substitute teachers employed when regular teachers are providing professional assistance to the state by serving on the board or on a committee or task force appointed by the board and charged to make recommendations concerning standards for teacher licensure in this state.

Sec. 49. Minnesota Statutes, 1977 Supplement, Section 136A.55, is amended to read:

136A.55 [POST-SECONDARY EDUCATION CONSORTIUM; CREATION.] *Subdivision 1.* There is hereby created a post-secondary education consortium for southwestern and west central Minnesota which shall have its principal office at southwest state university at Marshall. The purpose of the consortium shall be to improve the efficiency and effectiveness of post-secondary education, through increased interinstitutional cooperation and planning, in the area served by southwest state university and the university of Minnesota at Morris.

Subd. 2. The consortium shall be coordinated by a southwestern and west central Minnesota post-secondary education consortium board consisting of: the provost of the university of Minnesota, or his designee; the chancellor of the state university system, or his designee; the chancellor of the community college system, or his designee; the assistant commissioner for vocational-technical education within the state department of education, or his designee; the executive director of the higher education coordinating board, or his designee; and three persons representing the public at large who shall be appointed by the governor.

Subd. 3. The board shall appoint an advisory committee consisting of: the provost at the university of Minnesota at Morris; the presidents of southwest state university and the community colleges at Willmar and Worthington; the directors of the vocational-technical institutes located in the area served; and seven citizen members who shall be residents of the area served by southwest state university. The citizen members shall be appointed for terms of two years, except that three of the initial appointments shall be for terms of one year. No more than one citizen member shall be appointed from a county.

Subd. 4. The board is authorized to hire staff and incur other expenses as necessary for the purposes of ~~Laws 1977, Chapter 449~~ this section. *Staff members are in the unclassified service and*

subject to the provisions of chapters 43 and 352. All expenditures are subject to the requirements of chapter 16A .

Sec. 50. Minnesota Statutes 1976, Section 222.50, Subdivision 3, is amended to read:

Subd. 3. The director shall have the power to:

(a) Set priorities for the allocation of money or in kind contributions to railroads according to criteria developed by the director. The criteria shall include the anticipated economic and social benefits to the state and to the area being served;

(b) Negotiate and enter into contracts for rail line rehabilitation or other rail service improvement;

(c) Disburse state and federal money for rail service improvements;

(d) Adopt rules necessary to carry out the purposes of sections 222.46 to 222.54 ; and

(e) *Acquire elm railroad ties manufactured by Stillwater state prison inmates and disperse them by sale, lease or otherwise to be used in rail line rehabilitation. The director may negotiate with rail companies concerning the use of the ties .*

Sec. 51. [LOAN TO DEPARTMENT OF CORRECTIONS.] *The department of corrections may borrow from the rail service improvement account in the state treasury up to \$150,000 in one loan to be paid back in three equal annual installments with the final payment due three years from the date of the loan. The loan proceeds shall be used to establish a program for converting diseased elm trees into railroad ties at Stillwater state prison.*

Sec. 52. Minnesota Statutes 1976, Section 242.385, is amended to read:

242.385 [THE MINNESOTA CORRECTIONAL FACILITY-LINO LAKES.] Subdivision 1. There is hereby established the Minnesota ~~metropolitan training center~~ *Correctional Facility-Lino Lakes* , at Lino Lakes, Minnesota, to which may be delivered ~~for training and treatment children and youth persons~~ committed to the commissioner of corrections by the juvenile courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the ~~training and treatment center facility~~ shall be under the commissioner of corrections.

Sec. 53. Minnesota Statutes, 1977 Supplement, Section 298.28, Subdivision 1, is amended to read:

298.28 [DIVISION AND DISTRIBUTION OF PROCEEDS.] Subdivision 1. The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certificate of the commissioner of revenue to the general fund of the state, be paid by the commissioner of revenue as follows:

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton", to the city or town in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court of appeals at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) 12.5 cents per taxable ton to the taconite municipal aid account in the apportionment fund of the state treasury, to be distributed as provided in section 298.282.

(3) 29 cents per taxable ton to school districts to be distributed as follows:

(a) 6 cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part (c), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 or in which is located property which is entitled to the reduction of tax pursuant to section 273.135, subdivision 2, clause (c). The 23 cents, less any amount distributed under part (c), shall be distributed in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its permitted levy for the prior year, computed pursuant to section 275.125, comprises of the sum of permitted levies for the prior year for all qualifying districts, computed pursuant to section 275.125. That portion of the amount so distributed to a school district which is not deducted from state aids in section 124.212, subdivision 8a, shall be included in computing the permissible levies under section 275.125. For purposes of distributions pursuant to this part, permitted levies for the prior year computed pursuant to section 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 275.125, subdivision 2a, clause (4).

(c) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The commissioner shall follow the apportionment formula prescribed in clause (1).

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be distributed by the commissioner of revenue to the county in which the power plant is located.

(c) 4 cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 25.75 cents per taxable ton, less any amount required to be distributed under part (b), to the taconite property tax relief account in the apportionment fund in the state treasury, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be distributed by the commissioner of revenue to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) 1 cent per taxable ton to the state.

(7) 3 cents per taxable ton shall be deposited in the state treasury to the credit of the iron range resources and rehabilitation board account in the special revenue fund for the purposes of section 298.22. Of this amount, one cent per taxable ton is to be used to provide environmental development grants to local governments located within any county in region 3 as defined in governor's executive order number 60 issued on June 12, 1970, which does not contain a municipality qualifying pursuant to section 273.134.

(8) the amounts determined under clauses (4) (a), (4) (c), and (5) shall be increased in 1979 and subsequent years in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1.

(9) the proceeds of the tax imposed by section 298.24 which remain after the distributions in clauses (1) to (8) and parts (a),

(b), (c), and (d) of this clause have been made shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection fund created in section 298.292 as follows: In 1978, 1979, 1980, 1981, and 1982, two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection fund; in 1983 and thereafter, one-half to each fund. The proceeds shall be placed in the respective special accounts in the general fund.

(a) In 1978 and each year thereafter, there shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977.

(b) In 1978 and each year thereafter, there shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

(c) In 1978 and each year thereafter, \$50,000 shall be distributed to the department of revenue for auditing and enforcing the production tax imposed by Laws 1977, Chapter 423, Article 10.

(d) In 1978 and 1979, \$150,000 shall be distributed to the department of revenue for the purpose of administering section 298.48. In 1980 and each year thereafter, \$100,000 shall be distributed to the department of revenue. On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue and with the county auditor of each county in which such taxpayer operates, and with the chief clerical officer of each school district, city or town which is entitled to participate in the distribution of the tax, an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. Such estimate shall list the taxing districts entitled to participate in the distribution of such tax, and the amount of the estimated tax which would be distributable to each such district in the next ensuing calendar year on the basis of the last percentage distribution certified by the commissioner of revenue. If there be no such prior certification, the taxpayer shall set forth its estimate of the proper distribution of such tax under the law, which estimate may be corrected by the commissioner if he deems it improper, notice of such correction being given by him to the taxpayer and the public officers receiving such estimate. The officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county, city or school district in the year in which such estimate is made, and payable in the next ensuing calendar year, except that in 1978 and 1979 two cents per taxable ton, and in 1980 and thereafter, one cent per taxable ton of the amount distributed under clause (4) (c) shall not be deducted in calculat-

ing the permissible levy. Such taxpayer shall then pay, at the times payments are required to be made pursuant to section 298.27, as the amount of tax payable under section 298.24, the greater of (a) the amount shown by such estimate, or (b) the amount due under said section as finally determined by the commissioner of revenue pursuant to law. If, as a result of the payment of the amount of such estimate, the taxpayer has paid in any calendar year an amount of tax in excess of the amount due in such year under section 298.24, after application of credits for any excess payments made in previous years, all as determined by the commissioner of revenue, the taxpayer shall be given credit for such excess amount against any taxes which, under said section, may become due from the taxpayer in subsequent years. In any calendar year in which a general property tax levy subject to sections 275.125 or 275.50 to 275.59 has been made, if the taxes distributable to any such county, city or school district are greater than the amount estimated to be paid to any such county, city or school district in such year, the excess of such distribution shall be held in a special fund by the county, city or school district and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.125 or 275.50 to 275.59, of such county, city or school district payable in such year. If the amounts distributable to any such county, city or school district, after final determination by the commissioner of revenue under this section are less than the amounts indicated by such estimates, such county, city or school district may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.125 or 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

There is hereby annually appropriated to such taxing districts as are stated herein, to the taconite property tax relief account and to the taconite municipal aid account in the apportionment fund in the state treasury, to the department of revenue, to the iron range resources and rehabilitation board, to the taconite environmental protection fund, and to the northeast Minnesota economic protection fund, from any fund or account in the state treasury to which the money was credited, an amount sufficient to make the payment or transfer. The payment of the amount appropriated to such taxing districts shall be made by the commissioner of revenue on or before May 15 annually.

Sec. 54. Minnesota Statutes, 1977 Supplement, Section 473.591, Subdivision 3, is amended to read:

Subd. 3. [PROCEEDS; USE.] The collections of the tax, less refunds and a proportionate share of the cost of collection, shall be remitted at least quarterly to the council. *The commissioner of revenue shall deduct from the proceeds remitted to the council an amount that equals the indirect statewide costs as well as the direct and indirect department costs necessary to administer, audit, and collect this tax. The amount deducted shall be de-*

posited in the general fund of the state. The proceeds remitted shall be placed, together with the net revenues of the commission under section 473.595, into the debt service fund or special funds established under section 473.581, subdivisions 4 and 5, provided however that during the first year the tax is imposed pursuant to this section the council may reappropriate to the commission a total amount not to exceed one-half of the proceeds from the first year of the tax, to be used by the commission to pay its expenses related to planning, designing, and locating sports facilities pursuant to sections 473.551 to 473.595. Collection of the tax imposed by this section shall be suspended at the end of any calendar year upon a determination by the metropolitan council that the balance in the debt service fund, including any reserve fund has reached an amount sufficient to pay the principal and interest on bonds which will become due within the next succeeding three year period. Collection shall be resumed by the commissioner of revenue at the end of any calendar year upon notice from the metropolitan council that the balance in the debt service fund, including any reserve fund has fallen below an amount sufficient to pay the principal and interest on bonds which will become due within the next succeeding two year period.

Sec. 55. Laws 1976, Chapter 337, Section 1, Subdivision 2, is amended to read:

Subd. 2. The council shall consist of five members of the house of representatives appointed by the speaker, five members of the senate appointed by the committee on committees, and ~~eight~~ *twelve* citizens appointed by the governor. At least 50 percent of those appointed by the governor and by the speaker of the house shall be women. Members shall serve ~~until the expiration date of this act for two years~~ or until the expiration of their legislative terms. The compensation of nonlegislator members, their removal from office and the filling of vacancies shall be as provided in section 15.059. The persons appointed by the governor shall be representative of a range of economic interests and vocations and shall include persons who are not regularly employed on a full-time or part-time basis outside their homes.

Sec. 56. Laws 1976, Chapter 337, Section 1, Subdivision 4, is amended to read:

Subd. 4. The council shall report its findings and recommendations to the governor and the legislature not later than December 15, 1977, and shall supplement its findings and recommendations not later than June 30, 1978, *and June 30, 1979*. The report shall recommend any necessary changes in laws and programs designed to enable women to achieve full participation in the economy. The report shall also recommend methods to encourage the development of coordinated, interdepartmental goals and objectives and the coordination of programs, services and facilities among all state departments and public and private providers of services related to children, youth and families.

Sec. 57. Laws 1976, Chapter 337, Section 4, is amended to read:

Sec. 4. [EXPIRATION DATE.] ~~Sections Section 1 and 2 of this act shall be effective May 1, 1976 and shall expire June 30, 1978 1979 . Section 3 of this act shall be effective July 1, 1976.~~

Sec. 58. Laws 1977, Chapter 421, Section 13, is amended by adding a subdivision to read:

Subd. 11. [EMPLOYEE STATUS.] Persons employed by a state agency and paid from an appropriation in subdivision 10, are in the unclassified service and their continued employment is contingent upon the availability of money from the appropriation.

Sec. 59. [EDUCATION; REORGANIZATION.] *The commissioner of education with the approval of the commissioner of finance may change the composition of budgetary programs and activities in order to be consistent with the functional organization of the department following the reorganization authorized by the department of administration in January, 1978. No transfer shall be made until the commissioner of education has submitted a plan specifying the relationship between the appropriations made by Laws 1977, Chapter 449, Section 2 and the purposes for which the money is to be expended and encumbered to the chairman of the senate finance committee and the chairman of the house appropriations committee, and the chairmen have made their recommendations thereon.*

Sec. 60. [EDUCATION; FEDERAL MONEY.] *Subdivision 1. In preparing its biennial budget request for fiscal years 1980 and 1981, the department of education shall plan to spend the federal money specified in this section, including any federal money formerly allocated for indirect costs, only for the purposes indicated in this section. Where federal law requires any of this money to be spent for a purpose not indicated in this section, the budget request shall comply with the federal requirement and make a note of it in the explanation of budget request. This section is not intended to restrict the department in requesting state money for any of the purposes for which this federal money was formerly used or for which this section requires it to be used in the future.*

Subd. 2. Federal money received for state vocational education programs pursuant to the Vocational Education Act of 1963, Part B, as amended, and required to be used for vocational education of the disadvantaged and handicapped shall be used only for grants and not for state administrative costs. This does not limit the use of grant money by a school district for its own administrative costs if otherwise permitted by federal law. The remainder not required to be used for eliminating sex bias in vocational education shall be used for grants for post-secondary vocational categorical aid.

Subd. 3. Federal money received pursuant to the Elementary and Secondary Education Act of 1965, Title 4C, as amended, shall be used as a source of money for the venture fund of the Council on Quality Education and, to the extent allowed by federal law, for grants for early childhood and family education made by the Council on Quality Education.

Subd. 4. Federal money received pursuant to the Elementary

and Secondary Education Act of 1965, Title 48, as amended, may be used either for grants or for administrative costs, but only in the instructional services budget activity. This does not limit the use of grant money by a school district for pupil personnel services, evaluation, or any other purpose authorized by federal law.

Subd. 5. Federal money received pursuant to the Library Services and Construction Act, as amended, shall be used for the payment of grants and not for state administrative costs.

Sec. 61. [COUNCIL ON QUALITY EDUCATION; REPORT.] The state board of education, in consultation with the council on quality education (CQE), shall develop and submit to the legislature by January 1, 1979 a plan, including proposed legislation, to alter the makeup of the CQE the minimum amount necessary to permit it to serve as the Title 4 advisory council. The CQE should retain a majority of lay members, but should not exceed 30 members. The CQE should be responsible for administering the Title 4C grant program, subject to final authority of the state board of education. The plan should allow for the CQE to be consulted in the selection of its staff.

Sec. 62. [USE OF EXCESS FUEL AND UTILITY FUNDS FOR ENERGY RELATED PROJECTS.] All other provisions of law notwithstanding, the state university board is authorized to transfer funds appropriated to its maintenance and equipment account for fuel and utility purposes to its repair and betterment account to finance energy-related repairs or betterments, provided that such funds are not required for fuel and utility purposes, the commissioner of finance concurs in each transfer made pursuant to this authority, and provided that the commissioner of finance secures the approval of the chairmen of the senate finance and house appropriations committees for the amount and purpose of each transfer.

Sec. 63. [CARRY FORWARD OF H.E.C.B. WORK-STUDY, AND CONSORTIUM AND UNIVERSITY MEDICAL CONTINGENT APPROPRIATIONS.] Notwithstanding any other law to the contrary, any unexpended balance remaining the first year in Laws 1977, Chapter 449, Section 3, Subdivisions 5 and 9 and Section 6, Subdivision 9, shall not cancel but shall be available for the second year of the biennium.

Sec. 64. [MEDICAL LABORATORY FEE.] The handling fee of \$1.50 per specimen proposed by the department of health pursuant to Laws 1977, Chapter 453, Section 6, Subdivision 2, is approved and shall be charged from July 1, 1978 to June 30, 1979.

Sec. 65. [NURSING HOME RATES.] The reasonable costs to nursing homes of complying with section 144A.611 shall not be subject to any limits on nursing home rates established pursuant to section 256.B.47, subdivision 1.

Sec. 66. [CERTIFICATE OF NEED.] Notwithstanding the provisions of sections 145.71 to 145.83, the authority to promulgate rules governing the Minnesota certificate of need act is transferred from the state planning agency to the commissioner of

health. All rules heretofore promulgated by the state planning agency pursuant to sections 145.71 to 145.83 shall remain in full force and effect until modified or repealed by the commissioner.

Sec. 67. [PUBLIC WELFARE DATA PROCESSING SERVICES FUND.] *Subdivision 1. Until June 30, 1981, the public welfare data processing services fund is established within the state treasury.*

The following receipts for services provided by the department of public welfare shall be deposited in the treasury and credited to the public welfare data processing services fund:

(a) receipts from state agencies, county welfare boards, community mental health boards and other governmental units for whom services have been performed through the use of equipment under the control of the department of public welfare or for production through a system of the department of public welfare;

(b) receipts from the other state governments or private firms in this state for whom the services described in (a) above are performed under formal agreements with the state of Minnesota;

(c) receipts from other accounts of the department of public welfare for the service of key entry documents into machine readable code.

All money in the state treasury credited to the public welfare data processing services fund is annually appropriated to the commissioner of public welfare to be used for the purpose of paying for supplies, expenses and employee salaries and fringe benefit costs necessary in providing the data processing services.

Billing for a service shall be based on the calculated reasonable cost of performing the service. An excess of receipts in the public welfare data processing services fund shall occasion an adjustment of charges for services performed. The adjustments may include credit for prior work performed where the prior rate exceeds the cost by more than ten percent.

Billings to other state agencies or other accounts of the department of public welfare shall be processed in accordance with the department of finance interdepartmental procedure used by other state agency revolving funds. In addition, the commissioner of public welfare may require from state agencies, county welfare boards, and other governmental units for whom services are being performed advance payments to this fund sufficient to cover the department's or agency's estimated obligation for a period of at least 60 days.

Subd. 2. The commissioner of public welfare shall report in the biennial budget document on the finances and operations of the public welfare data processing services fund.

Sec. 68. [LEGISLATIVE COMMISSION ON PRIORITIES.] *Subdivision 1. [MEMBERS.] The legislative commission on priorities consists of the following 18 members: Six members of the senate and three members of the public appointed by the sub-*

committee on committees, and six members of the house and three members of the public appointed by the speaker. The members shall elect a chairperson to serve for a two year term, to be succeeded by a chairperson from the other body. Members of the legislature shall serve for their term of office and members of the public shall serve for the terms of members of the house, unless earlier replaced by their appointing authority. Compensation of public members shall be as provided for members of advisory committees in Minnesota Statutes, Section 15.059.

Subd. 2. [DEVELOPMENT OF LIST.] The commission shall develop a list of priority matters that should be addressed by the legislature and its standing committees in the following five year period. The list shall allocate priority matters to each of the five years. The primary effort of the commission shall be to identify problems that need to be addressed by the legislature and rank their importance against one another, rather than to develop specific solutions to those problems. The commission shall seek the broadest possible citizen advice in identifying problems, and shall employ the most rigorous factual analysis in ranking these problems in the order of their importance to the people of the state as a whole. In this analysis, the commission shall consider, among other factors, (1) the relative degree of interest throughout the state in the matter, (2) the urgency of the matter, (3) the degree to which the matter has not been adequately addressed in prior legislation, (4) the degree to which the matter will improve the well-being of residents of the state generally, (5) the possible adverse effects upon particular persons or resources in the state, and (6) the degree to which legislative intervention is appropriate and desirable. In developing its list of priorities, the commission shall consult with and consider the recommendations of the chairmen and members of standing committees.

Subd. 3. [REPORT.] Following agreement upon its list of priorities, the commission shall refer the priority matters to the chairman of the senate committee on rules and administration, the speaker of the house, and the appropriate standing committees for development of the necessary legislation, or shall cause legislation to be drafted and introduced, as appropriate. The commission shall report to the legislature its recommendations in this regard by the first day of the regular session in each year, and may make preliminary reports before then.

Subd. 4. [STAFF; SERVICES.] The legislative coordinating commission shall provide the commission with office space and administrative support services. The legislative commission on priorities may call upon the services of existing legislative staff for the period when those services are necessary. The legislative coordinating commission and the standing committees shall assist the commission on priorities by making these staff available to it. To the extent it is not possible to use existing legislative staff, the commission may hire additional staff and contract for specialized professional and technical services.

Subd. 5. [APPROPRIATION.] The sum of \$200,000 is appro-

priated to the legislative commission on priorities for the period ending June 30, 1979, to be used for the purposes of this section.

Subd. 6. [EXPIRATION.] This section expires June 30, 1981.

Sec. 69. [REPEALER.] Minnesota Statutes 1976, Sections 3.732, Subdivision 4; 16.171; 60A.13, Subdivisions 3 and 4; 162.19; 325.64; 325.65; 325.66; 325.67; 325.68; 325.69; 325.70; 325.71; 325.72; 325.73; 325.74; 325.75; 325.76; and 363.122, are repealed.

Sec. 70. [EFFECTIVE DATE.] This act is effective the day following final enactment, except that section 47 is effective July 1, 1978."

Further, amend the title by striking it and inserting:

"A bill for an act relating to the organization and operation of state government; clarifying, supplementing, and providing for deficiencies in appropriations for the expenses of state government with certain conditions; providing for payment of claims; shortening time for cancellation of certain drafts; authorizing fees and special accounts in certain cases; transferring duties and appropriations; requiring certain insurance coverage; providing for use of prison industry in railroad rehabilitation; extending existence of advisory council on economic status of women; limiting use of certain federal money by the department of education; creating a legislative commission on priorities; appropriating money; amending Minnesota Statutes 1976, Sections 3.736, Subdivision 7; 3.98, Subdivisions 3 and 4; 10.15; 16A.60; 43.064; 43.067, Subdivision 1; 43.12, by adding a subdivision; 60A.13, Subdivision 7; 60A.14, Subdivision 1; 62A.149, Subdivision 1; 120.17, Subdivision 9; 125.183, by adding a subdivision; 136A.155; 222.50, Subdivision 3; 242.385; Chapter 16A, by adding sections; Minnesota Statutes, 1977 Supplement, Sections 10A.20, Subdivision 3, as amended; 10A.27, Subdivision 4, as amended; 10A.32, Subdivision 3, as amended; 120.17, Subdivision 7a; 298.28, Subdivision 1; and 473.591, Subdivision 3; amending Laws 1976, Chapter 337, Sections 1, Subdivisions 1 and 4; and 4; amending Laws 1977, Chapter 421, Section 13, by adding a subdivision; repealing Minnesota Statutes 1976, Sections 3.732, Subdivision 4; 16.171; 60A.13, Subdivisions 3 and 4; 162.19; 325.64 to 325.76; and 363.122."

The motion prevailed. So the amendment was adopted.

Mr. Humphrey moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Page 51, after line 12, insert:

"Sec. 69. [GRANTS-IN-AID TO YOUTH INTERVENTION PROGRAMS.] *Subdivision 1. The crime control planning board may make grants to nonprofit agencies administering youth intervention programs in communities where such programs are or may be established.*

"Youth intervention program" means a nonresidential community based program providing advocacy, education, counseling, and referral services to youth and their families experiencing personal, familial, school, legal or chemical problems with the goal of resolving the present problems and preventing the occurrence of such problems in the future.

Subd. 2. [APPLICATIONS.] Applications for the grant-in-aid shall be made by the administering agency to the crime control planning board. The grant-in-aid shall be contingent upon the agency having obtained from the community in which the youth intervention program is established local matching funds two times the amount of the grant which is sought.

The crime control planning board shall provide by rule the application, procedures for making application, criteria for review of the application, and kinds of contributions in addition to cash which qualify as local matching funds. No grant to any agency shall exceed \$25,000.

Sec. 70. [APPROPRIATION.] \$250,000 is appropriated for the biennium ending June 30, 1979 from the general fund to the crime control planning board for the purpose of providing grants to youth intervention programs pursuant to section 69."

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Menning moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Pages 49 to 51, strike all of section 68

Renumber the sections in sequence

Amend the title as follows:

Lines 15 and 16, strike "creating a legislative commission on priorities;"

The question was taken on the adoption of the amendment.

Mr. Coleman moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 29 and nays 29, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knoll	Olhoft	Sieloff
Bernhagen	Gunderson	Laufenburger	Olson	Tennessen
Brataas	Jensen	Lessard	Pillsbury	Ueland, A.
Chmielewski	Keefe, J.	McCutcheon	Purfeerst	Ulland, J.
Davies	Kirchner	Menning	Renneke	Wegener
Engler	Knaak	Ogdahl	Schrom	

Those who voted in the negative were:

Benedict	Humphrey	Merriam	Schaaf	Stokowski
Borden	Johnson	Moe	Schmitz	Strand
Coleman	Keefe, S.	Nelson	Setzepfandt	Stumpf
Dieterich	Kleinbaum	Penny	Solon	Vega
Gearty	Lewis	Perpich	Spear	Willet
Hanson	Luther	Peterson	Staples	

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

Mr. Tennesen moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Page 49, line 12, strike "18" and insert "30"

Page 49, line 12, strike "six" and insert "15"

Page 49, line 13, strike "*and three members of the public*"

Page 49, line 14, strike "six" and insert "15"

Page 49, line 15, strike "*and three members of the public*"

Page 49, lines 19 and 20, strike "*and members of the public shall serve for the terms of members of the house*"

Page 49, line 21, strike "Compensation of"

Page 49, strike lines 22 and 23

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 28, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Knoll	Purfeerst	Spear
Benedict	Humphrey	Luther	Renneke	Staples
Bernhagen	Jensen	Menning	Schrom	Tennesen
Brataas	Keefe, J.	Ogdahl	Setzepfandt	Ueland, A.
Chmielewski	Kirchner	Olhoft	Sieloff	Wegener
Davies	Knaak	Pillsbury	Solon	

Those who voted in the negative were:

Borden	Hanson	McCutcheon	Perpich	Stumpf
Chenoweth	Johnson	Merriam	Peterson	Ulland, J.
Dieterich	Keefe, S.	Moe	Schaaf	Vega
Frederick	Kleinbaum	Nelson	Schmitz	Willet
Gearty	Laufenburger	Olson	Stokowski	
Gunderson	Lessard	Penny	Strand	

The motion prevailed. So the amendment was adopted.

Mr. Keefe, J. moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Pages 19 and 20, strike subdivision 4 and insert:

"Subd. 4. For the purposes of this section, a political party means the aggregate of the ~~party organization within each house of the legislature~~ *state party organization*, and the party organization within ~~congressional districts, counties, legislative districts, municipalities, and precincts~~ *each substate unit which elects delegates to the convention of a larger unit or to a national party convention.*"

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

Mr. Kleinbaum moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Page 51, line 15 strike everything after "162.19;"

Page 51, line 16, strike everything before "and"

Amend the title as follows:

Page 1, line 35, strike "325.64 to 325.76;"

The question was taken on the adoption of the amendment.

Mr. Moe moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 21 and nays 31, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Laufenburger	Renneke	Wegener
Bernhagen	Jensen	Olson	Sieloff	
Brataas	Kirchner	Penny	Solon	
Chmielewski	Kleinbaum	Peterson	Ueland, A.	
Engler	Knaak	Pillsbury	Ulland, J.	

Those who voted in the negative were:

Benedict	Johnson	Menning	Schaaf	Stumpf
Chenoweth	Keefe, J.	Merriam	Schmitz	Tennessen
Davies	Keefe, S.	Moe	Schrom	Willet
Dieterich	Knoll	Nelson	Setzepfandt	
Gearty	Lessard	Ogdahl	Spear	
Gunderson	Lewis	Olhoff	Staples	
Hanson	Luther	Perpich	Strand	

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

Mr. Schaaf moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Page 12, after line 23, insert:

"The commissioner of transportation shall not approve any grant under this appropriation until the transit commission submits a plan for expenditure of the grant money which the commissioner determines to be consistent with (a) the purposes set

forth in section 50, subdivision 1 of this act, and (b) the findings of the commissioner under section 50, subdivision 4 of this act."

Page 33, after line 25, insert

"Sec. 50. Minnesota Statutes 1976, Chapter 174, is amended by adding a section to read:

[174.29] [SERVICE FOR PERSONS UNABLE TO USE REGULAR PUBLIC OR PRIVATE TRANSPORTATION.] *Subdivision 1. [PURPOSE AND INTENT.] It is the purpose and intent of this section*

(a) to assure that those citizens of this state who are unable by reason of age or incapacity to use regular means of private or public transportation shall have reasonable access to transportation service necessary to permit them to be active, productive, self-supporting and healthy citizens and

(b) to promote the most effective use of available public and private resources to achieve the purposes set forth in clause (a).

Subd. 2. [COORDINATION OF EFFORTS.] *The commissioner of transportation shall coordinate public and private efforts designed or intended to provide transportation service to the citizens described in subdivision 1, clause (a), in order to achieve the purposes set forth in subdivision 1. Every state or local public agency that assists or participates in the operation or financing of such service, including reimbursement for transportation which is incidental to other services or assistance provided by the agency, shall cooperate with the commissioner in the manner which he may request in order to carry out his duties under this section.*

Subd. 3. [COORDINATION OF FEDERAL AND STATE ASSISTANCE.] *The commissioner shall identify all federal and state programs providing financial assistance for transportation service for persons described in subdivision 1, clause (a), including transportation incidental to other assistance provided under any program. The commissioner and any state agency administering an identified program shall enter an agreement assuring that the commissioner may exercise the authority necessary to carry out his coordinating duties under this section with respect to that program. The agreement may provide for review and approval by the commissioner of all applications by political subdivisions or other public or private agencies for assistance under the identified program.*

Subd. 4. [AGENCIES PROVIDING SERVICE IN THE METROPOLITAN AREA.] *The commissioner shall identify the local public and private agencies, including profit and nonprofit agencies, that currently provide transportation service to the persons described in subdivision 1, clause (a), who reside in the metropolitan area as defined in section 473.121, subdivision 2, or that provide financial assistance to providers or users of such service. The commissioner shall identify the number of persons and the geographic areas served or assisted by each agency, the type of service or assistance provided and the amount and source of funds expended*

for that service. The commissioner shall then identify the geographic areas and populations not adequately provided with service and the types of service not adequately provided under existing programs.

Subd. 5. [FORMULATION OF PLAN.] *The commissioner after public hearings shall formulate a plan for achieving the purposes set forth in subdivision 1. The plan shall give particular emphasis to achieving those purposes in the metropolitan areas as defined in section 473.121, subdivision 2, and shall take into account the findings made by the commissioner pursuant to subdivision 4.*

After the formulation of the plan: (a) the commissioner shall not approve any application for state assistance or approve or favorably review any application for federal assistance to any transportation project or program not consistent with that plan and (b) any plan or program of the Twin Cities area metropolitan transit commission designed or intended to provide transportation service to the persons described in subdivision 1, clause (a), shall be consistent with that plan."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 24, after "sections;" insert "Chapter 174, by adding a section;"

The motion prevailed. So the amendment was adopted.

Mrs. Brataas moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Page 51, after line 12, insert:

"Sec. 69. [ROCHESTER, CITY OF; CIVILIAN POLICE POSITIONS.] *Subdivision 1. Notwithstanding the provisions of any other law to the contrary, the city of Rochester may employ within its police department administrative assistants, auto mechanics, clerk typists, communication supervisors, identification technicians, parking meter attendants, police dispatchers, property officers, research assistants, and secretaries to be employed within the police department, but who shall not be subject to the rules and regulations or jurisdiction of the police civil service commission or be eligible to be members in or to receive benefits from the policemen's relief association. The city shall by ordinance provide for benefits and for procedures in the hiring, and dismissal of employees excluded from the jurisdiction of the police civil service commission.*

Subd. 2. *This section is effective upon approval by the governing body of the city of Rochester and compliance with Minnesota Statutes, Section 645.021."*

Renumber the sections in sequence

Amend the title as follows:

Line 16, after "priorities;" insert "transferring certain positions from the jurisdiction of the Rochester police civil service commission;"

The motion prevailed. So the amendment was adopted.

Mr. Ulland, J. moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Page 19, after line 25, insert:

"Sec. 35. Minnesota Statutes 1976, Section 10A.27, Subdivision 1, as amended by Laws 1978, Chapter 463, Section 76, is amended to read:

10A.27 [ADDITIONAL LIMITATIONS.] Subdivision 1. No political committee, political fund, or individual, except a political party or the principal campaign committee of a candidate shall make expenditures on behalf or in opposition to the opponent of a candidate, or transfer funds to the principal campaign committee of a candidate, in an amount in excess of ten percent of the amount that may be spent by or on behalf of that candidate as set forth in section 10A.25. Except as provided in subdivisions 2, 2a, and 6, no candidate shall permit his principal campaign committee to accept contributions from any individual, political committee, or political fund in excess of the following:

(a) To candidates for governor and lieutenant governor running together, \$60,000 in an election year for the office sought and \$12,000 in other years;

(b) To a candidate for attorney general, \$10,000 in an election year for the office sought and \$2,000 in other years;

(c) To a candidate for the office of secretary of state, state treasurer or state auditor, \$5,000 in an election year for the office sought and \$1,000 in other years;

(d) To a candidate for state senator, \$1,500 in an election year for the office sought and \$300 in other years; and

(e) To a candidate for state representative, \$750 in an election year for the office sought and \$150 in the other year.

Sec. 36. Minnesota Statutes 1976, Section 10A.27, Subdivision 2, as amended by Laws 1978, Chapter 463, Section 77, is amended by adding a subdivision to read:

Subd. 2a. No candidate shall permit his principal campaign committee to accept contributions or loans from a principal campaign committee of any candidate who has agreed to receive a public subsidy or public money under section 10A.32. The limitation of this subdivision shall continue for as long as the agreement

contained in section 10A.32, subdivision 3 or 10A.32, subdivision 3b apply to that candidate.

Sec. 37. Minnesota Statutes 1976, Section 10A.28, Subdivision 2, as amended by Laws 1978, Chapter 463, Section 84, is amended to read:

Subd. 2. A candidate who permits his principal campaign committee to accept contributions in excess of the limits imposed by section 10A.27 or who permits his principal campaign committee to accept a contribution or loan in violation of section 10A.27, subdivision 2a shall be subject to a civil fine of up to four times the amount by which the contribution or loan exceeded the limits.

Section 38. Minnesota Statutes, 1976, Section 10A.32, Subdivision 3, as amended by Laws 1978, Chapter 463, Sections 98, 99, and 100 is amended by adding a subdivision to read:

Subd. 3c. As a condition of receiving a public subsidy for his election campaign in the form of tax credits against the tax due from individuals who contribute to his principal campaign committee or public moneys from the state elections campaign fund, a candidate shall not permit his principal campaign committee to make a contribution or loan to any principal campaign committee or to make an independent expenditure on behalf of any other candidate. The limitation of this subdivision shall be included in the written agreement of section 10A.32, subdivision 3 and section 10A.32, subdivision 3b. Any individual who knowingly violates this subdivision is guilty of a misdemeanor.

Sec. 39. Minnesota Statutes, 1976, Section 10A.28, Subdivision 1, as amended by Laws 1978, Chapter 463, Section 84, is amended to read:

10A.28 [PENALTY FOR EXCEEDING LIMITS.] Subdivision 1. A candidate subject to the expenditure limits of section 10A.25 who permits his principal campaign committee to make expenditures or permits approved expenditures to be made on his behalf in excess of the limits imposed by section 10A.25 and 10A.27 or who permits his principal campaign committee to make a contribution, loan, or independent expenditure in violation of section 10A.32, subdivision 3c shall be subject to a civil fine up to four times the amount by which its expenditure the expenditures, contribution, loan, or independent expenditure exceeded the limit."

Renumber the sections in sequence

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 38, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Kirchner	Pillsbury	Ulland, J.
Bernhagen	Frederick	Knaak	Renneke	
Brataas	Jensen	Merriam	Sieloff	
Dieterich	Keefe, J.	Ogdahl	Ueland, A.	

Those who voted in the negative were:

Benedict	Humphrey	McCutcheon	Peterson	Strand
Borden	Johnson	Menning	Schaaf	Stumpf
Chenoweth	Keefe, S.	Moe	Schmitz	Tennessen
Chmielewski	Knoll	Nelson	Schrom	Vega
Davies	Laufenburger	Olhoff	Setzepfandt	Wegener
Gearty	Lessard	Olson	Solon	Willet
Gunderson	Lewis	Penny	Staples	
Hanson	Luther	Perpich	Stokowski	

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

Mr. Ashbach moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Page 3, strike lines 24 and 25

Renumber the subdivisions accordingly

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

Mr. Ashbach moved to amend H. F. No. 2527, as amended by the Senate March 13, 1978, as follows:

(The text of the amended House File is identical to S. F. No. 2404.)

Page 42, after line 2 insert:

"Sec. 54. Minnesota Statutes, 1977 Supplement, Section 473.552, is amended to read:

473.552 [LEGISLATIVE POLICY; PURPOSE.] The legislature finds that the population in the metropolitan area has a need for sports facilities and that this need cannot be met adequately by the activities of individual municipalities, or by agreements among municipalities ; or by the private efforts of the people in the metropolitan area. It is therefore necessary for the public health, safety and general welfare to establish a procedure for the acquisition and betterment of sports facilities and to create a metropolitan sports facilities commission .

Sec. 55. Minnesota Statutes, 1977 Supplement, Section 473.571, Subdivision 1, is amended to read:

473.571 [LOCATION AND DESIGN SELECTION.] Subdivision 1. [COMMISSION RESPONSIBILITY.] The commission shall determine the location and design specifications for new or remodeled sports facilities in the metropolitan area. *The agreements pursuant to section 473.581, subdivision 3, clauses (a) and (b), shall be executed prior to December 1, 1978. The agreements shall be reviewed by the chairman of the house and senate tax committees. If the agreements are determined satisfactory by the chairmen, the on-sale liquor tax pursuant to section 473.591 shall remain in effect.*

Sec. 56. Sections 54 and 55 are effective in the counties of

Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Renumber the sections accordingly

Amend the title as follows:

Line 29, after "1;" insert "473.552; 473.571, Subdivision 1;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 32, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Knaak	Sieloff	Ulland, J.
Benedict	Jensen	Renneke	Spear	Vega
Bernhagen	Keefe, J.	Schmitz	Stumpf	Willet
Engler	Kirchner	Schrom	Ueland, A.	

Those who voted in the negative were:

Borden	Johnson	Menning	Perpich	Stokowski
Chmielewski	Keefe, S.	Merriam	Peterson	Strand
Coleman	Knoll	Moe	Pillsbury	Tennessen
Gearty	Laufenburger	Nelson	Schaaf	Wegener
Gunderson	Lessard	Olhoff	Setzepfandt	
Hanson	Lewis	Olson	Solon	
Humphrey	Luther	Penny	Staples	

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

H. F. No. 2527 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Benedict	Gunderson	Lessard	Perpich	Staples
Bernhagen	Hanson	Lewis	Peterson	Stokowski
Borden	Humphrey	Luther	Pillsbury	Strand
Brataas	Johnson	McCutcheon	Renneke	Stumpf
Chenoweth	Keefe, J.	Menning	Schaaf	Tennessen
Chmielewski	Keefe, S.	Moe	Schmitz	Ueland, A.
Davies	Kirchner	Nelson	Schrom	Ulland, J.
Dieterich	Kleinbaum	Ogdahl	Setzepfandt	Vega
Engler	Knaak	Olhoff	Sieloff	Wegener
Frederick	Knoll	Olson	Solon	Willet
Gearty	Laufenburger	Penny	Spear	

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

Without objection, the Senate reverted to the Order of Business of Messages From the House and First Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 2270.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 13, 1978

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H. F. No. 2270: A bill for an act relating to peace officers and constables; requiring training and licensing for all peace officers; requiring training and licensing for constables; establishing the position of deputy constable; amending Minnesota Statutes 1976, Sections 367.03, Subdivisions 1 and 3; 367.22; 382.28; 626.843, by adding a subdivision; Chapter 367, by adding sections; and Minnesota Statutes, 1977 Supplement, Sections 626.84; 626.843, Subdivisions 1 and 3; 626.845; 626.846, Subdivisions 1, 2 and 3, and by adding subdivisions; 626.847; 626.848; and 626.851, Subdivision 2; repealing Minnesota Statutes, 1977 Supplement, Section 626.853.

Referred to the Committee on Rules and Administration for comparison to S. F. No. 2248 now on General Orders.

MOTIONS AND RESOLUTIONS—CONTINUED

Mrs. Staples moved that S. F. No. 2143 be taken from the table. The motion prevailed.

Mrs. Staples moved that S. F. No. 2143 be placed at the top of General Orders. The motion prevailed.

Mrs. Staples moved that H. F. No. 2098 be taken from the table. The motion prevailed.

Mrs. Staples moved that H. F. No. 2098 be referred to the Committee on Rules and Administration for comparison with S. F. No. 2143.

Mr. Laufenburger moved that S. F. No. 1848 be stricken from the Calendar and placed at the top of General Orders. The motion prevailed.

Mr. Coleman moved that the Senate do now adjourn until 1:00 o'clock p.m., Tuesday, March 14, 1978. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate