

FIFTY-FIFTH DAY

St. Paul, Minnesota, Wednesday, May 16, 1979

The Senate met at 1:30 o'clock p.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Dunn	Kleinbaum	Penny	Sikorski
Ashbach	Gearty	Knaak	Perpich	Spear
Bang	Gunderson	Luther	Peterson	Staples
Benedict	Hanson	Menning	Pillsbury	Strand
Brataas	Hughes	Merriam	Rued	Stumpf
Chmielewski	Jensen	Nelson	Schaaf	Ulland, J.
Coleman	Johnson	Nichols	Schmitz	Vega
Davies	Keefe, S.	Ogdahl	Setzepfandt	Wegener
Dieterich	Kirchner	Olson	Sieloff	Willet

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

Prayer was offered by the Chaplain, Rev. Winfield Johnson.

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

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

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. Schrom and Purfeerst were excused from the Session of today. Mr. Keefe, J. was excused from the Session of today

from 2:49 to 3:23 o'clock p.m. Mr. Lessard was excused from the Session of today from 2:55 to 3:15 o'clock p.m.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Pillsbury introduced—

S. F. No. 1577: A bill for an act relating to taxation; income; reducing income tax rates; amending Minnesota Statutes 1978, Section 290.06, Subdivision 2c.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pillsbury introduced—

S. F. No. 1578: A bill for an act proposing an amendment to the Minnesota Constitution, changing Article IV, Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, and 26, Article V, Sections 3 and 5, Article VIII, Section 1, Article IX, Sections 1 and 2, Article XI, Section 5, and repealing Article IV, Section 18; providing for unicameral legislature of limited size elected for staggered terms.

Referred to the Committee on Governmental Operations.

Mr. Johnson introduced—

S. F. No. 1579: A bill for an act relating to political parties; allowing party officers and delegates to party conventions to take certain leave time from employment; providing penalties; amending Minnesota Statutes 1978, Chapter 202A, by adding a section.

Referred to the Committee on Elections.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 14, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1979 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1979	Date Filed 1979
	966	81	May 14	May 14
236		82	May 14	May 14
478		83	May 14	May 14

807	84	May 14	May 14
876	85	May 14	May 14
935	86	May 14	May 14
1245	87	May 14	May 14

Sincerely,

Joan Anderson Growe
Secretary of State

May 15, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1979 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1979	Date Filed 1979
345		88	May 15	May 15
444		89	May 15	May 15
484		90	May 15	May 15

Sincerely,

Joan Anderson Growe
Secretary of State

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. 117, 233, 427 and 1312.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 15, 1979

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. 228: A bill for an act relating to intoxicating liquor; places where sales are forbidden; amending Minnesota Statutes 1978, Section 340.14, Subdivision 3.

Senate File No. 228 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 15, 1979

Mr. Kleinbaum moved that S. F. No. 228 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. 363: A bill for an act relating to crimes; requiring reporting of firearm discharges by security guards.

Senate File No. 363 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 15, 1979

CONCURRENCE AND REPASSAGE

Mr. McCutcheon moved that the Senate concur in the amendments by the House to S. F. No. 363 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 363 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 53 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Olson	Solon
Ashbach	Gearly	Laufenburger	Penny	Staples
Benedict	Gunderson	Lessard	Perpich	Strand
Bernhagen	Hanson	Luther	Peterson	Stumpf
Brataas	Hughes	McCutcheon	Pillsbury	Tennessee
Chenoweth	Humphrey	Menning	Rued	Ulland, J.
Coleman	Johnson	Merriam	Schaaf	Vega
Davies	Keefe, J.	Nelson	Schmitz	Wegener
Dieterich	Keefe, S.	Nichols	Setzepfandt	Willet
Dunn	Kirchner	Ogdahl	Sieloff	
Engler	Kleinbaum	Olhoft	Sikorski	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which

amendments the concurrence of the Senate is respectfully requested:

S. F. No. 549: A bill for an act relating to local government; requiring additional local participation in consolidation procedures; amending Minnesota Statutes 1978, Section 414.041.

Senate File No. 549 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 15, 1979

CONCURRENCE AND REPASSAGE

Mr. Wegener moved that the Senate concur in the amendments by the House to S. F. No. 549 and that the bill be placed on its repassage as amended.

CALL OF THE SENATE

Mr. Peterson imposed a call of the Senate for the balance of the proceedings on S. F. No. 549. The following Senators answered to their names:

Anderson	Frederick	Knoll	Olhoff	Sillers
Ashbach	Gearty	Knutson	Olson	Staples
Bang	Gunderson	Laufenburger	Perpich	Strand
Benedict	Hanson	Lessard	Peterson	Stumpf
Bernhagen	Hughes	Luther	Pillsbury	Tennessee
Brataas	Humphrey	McCutcheon	Renneke	Ueland, A.
Chmielewski	Johnson	Menning	Rued	Ulland, J.
Davies	Keefe, J.	Merriam	Schmitz	Vega
Dieterich	Keefe, S.	Nelson	Setzepfandt	Wegener
Dunn	Kirchner	Nichols	Sieloff	Willet
Engler	Knaak	Ogdahl	Sikorski	

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

The question was taken on the adoption of the motion of Mr. Wegener.

The roll was called, and there were yeas 39 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Lessard	Perpich	Solon
Ashbach	Gunderson	Menning	Peterson	Staples
Benedict	Hanson	Moe	Renneke	Stokowski
Bernhagen	Jensen	Nelson	Rued	Strand
Brataas	Johnson	Nichols	Schmitz	Ueland, A.
Chmielewski	Kleinbaum	Olhoff	Setzepfandt	Wegener
Dunn	Knaak	Olson	Sikorski	Willet
Engler	Knutson	Penny	Sillers	

Those who voted in the negative were:

Bang	Hughes	Knoll	Ogdahl	Stumpf
Chenoweth	Humphrey	Laufenburger	Pillsbury	Ulland, J.
Davies	Keefe, J.	Luther	Schaaf	Vega
Dieterich	Keefe, S.	McCutcheon	Sieloff	
Gearty	Kirchner	Merriam	Spear	

The motion prevailed.

S. F. No. 549: A bill for an act relating to local government; requiring additional local participation in consolidation procedures; providing for referenda on adoption of the state building code; amending Minnesota Statutes 1978, Section 414.041.

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 43 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Lessard	Peterson	Staples
Ashbach	Hanson	Menning	Pillsbury	Stokowski
Benedict	Humphrey	Moe	Renneke	Strand
Bernhagen	Jensen	Nelson	Rued	Ueland, A.
Brataas	Johnson	Nichols	Schmitz	Vega
Chmielewski	Kleinbaum	Olhoff	Setzepfandt	Wegener
Dunn	Knaak	Olson	Sikorski	Willet
Engler	Knutson	Penny	Sillers	
Frederick	Laufenburger	Perpich	Solon	

Those who voted in the negative were:

Bang	Gerty	Kirchner	Merriam	Spear
Chenoweth	Hughes	Knoll	Ogdahl	Stumpf
Davies	Keefe, J.	Luther	Schaaf	Ulland, J.
Dieterich	Keefe, S.	McCutcheon	Sieloff	

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

REPORTS OF COMMITTEES

Mr. Hanson moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

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

S. F. No. 390: A bill for an act relating to taxation; property tax; extending 3cc classification to mobile homes owned by disabled persons; allowing homestead owned by disabled person and joint tenant to qualify for 3cc classification; amending Minnesota Statutes 1978, Section 273.13, Subdivision 7.

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

Page 2, line 11, strike everything after the first "person"

Page 2, strike line 12

Page 2, line 13, strike "thereof"

Page 3, line 23, delete "*one other joint tenant*" and insert "*his spouse*"

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

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

S. F. No. 1344: A bill for an act relating to minerals; providing for notice and opportunity for hearing prior to forfeiture for failure to file a statement of severed mineral interest, and amending certain laws related thereto; validating certain statements; amending Minnesota Statutes 1978, Sections 93.55; 273.13, Subdivision 2a; and Chapter 93, by adding a section.

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

Page 2, line 5, after "notice" insert *"shall be served in the same manner as provided for the service of summons in a civil action to determine adverse claims under chapter 559 and shall"*

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

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

S. F. No. 844: A bill for an act relating to welfare; providing state aid through matching grants from the department of public welfare to counties for certain semi-independent living services programs; requiring counties to monitor the services; requiring bonds for private providers of the services; directing the commissioner of public welfare to promulgate rules to implement administration of the grant program; appropriating money.

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

Page 2, line 2, delete "funds" and insert "money" both places where it appears

Page 2, line 24, delete "funds" and insert "money"

Page 3, lines 2, 11, 14 and 17, delete "funds" and insert "money"

Page 3, line 19, delete "funds" and insert "amounts"

Page 3, lines 20 and 25, delete "funds" and insert "money"

Page 3, line 26, delete "Subd. 6." and insert "Sec. 3. [REPORT.]"

Page 3, lines 31 and 32, delete "shall expire no later than" and insert "expires"

Page 4, line 1, delete "funds" and insert "grants"

Page 5, line 5, delete "\$2,500,000" and insert "\$1,200,000 for the 300 mentally retarded adults transferred from intermediate care facilities for mentally retarded"

Renumber the sections in sequence

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

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

S. F. No. 272: A bill for an act relating to taxation; property tax; exempting certain wetlands from taxation; providing a wetlands credit; providing for state reimbursement of lost local revenues; reducing local levies to the extent of state reimbursement; appropriating money; amending Minnesota Statutes 1978, Sections 272.02, Subdivision 1; 275.51, Subdivision 3d; and Chapter 273, by adding a section; repealing Minnesota Statutes 1978, Section 272.59.

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

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

S. F. No. 406: A bill for an act relating to labor; creating a full employment and economic equity study commission; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Administration. Report adopted.

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

S. F. No. 654: A bill for an act relating to human services; providing state recognition and financial grants to volunteer programs for retired senior citizens; appropriating money.

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

Page 2, line 9, after the period insert "Grants shall be made consistent with applicable federal guidelines."

Page 2, line 28, strike "\$417,076" and insert "\$400,000"

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. 1236: A bill for an act relating to the town of Forest Lake; exempting it from certain tax levy limitations.

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

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

H. F. No. 633: A bill for an act relating to taxation; extending the termination date for a law denying tax deductions relat-

ing to substandard housing; amending Laws 1975, Chapter 226, Section 4.

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

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

S. F. No. 510: A bill for an act relating to children; establishing a program in the department of public welfare to allow subsidized adoptions under certain circumstances; appropriating money; amending Minnesota Statutes 1978, Chapter 259, by adding a section; repealing Minnesota Statutes 1978, Section 393.07, Subdivision 1a.

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

Page 2, lines 31 and 32, delete "*Subsidy payments shall be granted*" and insert "*The placing agency shall certify a child as eligible for a subsidy*"

Page 3, line 32, delete "*urban*"

Page 4, line 15, delete "*department*" and insert "*commissioner*"

Page 4, line 17, after "*sum of*" insert "\$500,000"

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. 913: A bill for an act relating to small businesses; increasing state procurement from small businesses; amending Minnesota Statutes 1978, Section 16.083, Subdivisions 1 and 4.

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

Amend the report from the Committee on Governmental Operations, adopted by the Senate May 7, 1979, as follows:

Page 1, line 10, delete "APPROPRIATION" and insert "REPORT"

Page 1, line 10, delete "*The sum of \$58,000 is*"

Page 1, delete lines 11 and 12

Page 1, line 13, delete "*beginning July 1, 1979.*"

Delete the title amendment

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

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

S. F. No. 435: A bill for an act relating to education; increasing the maximum awards for scholarships and grants-in-aid; changing the eligibility for certain financial assistance; increasing the bonding authority of the higher education coordinating board; requiring that data on certain applicants for student financial assistance be classified as private and providing an exception; increasing the eligibility for a tuition subsidy for a public post-secondary vocational-technical school; appropriating money; amending Minnesota Statutes 1978, Sections 136A.121, Subdivisions 4, 5, 7 and 8; 136A.162; 136A.171; and 136A.236, Subdivision 2.

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

Page 3, line 8, strike "eight" and insert "six"

Page 3, line 8, strike "twelve" and insert "nine"

Page 4, line 3, delete "\$200,000,000" and insert "\$175,000,000"

Page 4, after line 18, insert:

"Sec. 8. Minnesota Statutes 1978, Section 124.48, is amended to read:

124.48 [INDIAN SCHOLARSHIPS.] *Subdivision 1.* The state board may award scholarships to any Minnesota resident student who: (a) is of one-fourth or more Indian ancestry and who; ; (b) is a high school graduate, has a high school equivalency certificate acceptable to the state board or is accepted by an approved college or university, or approved business, nursing, technical or vocational school; (c) in the opinion of the board, has the capabilities to benefit from the education for which a scholarship is given and (d) is recommended for a scholarship by the Minnesota Indian scholarship committee. Scholarships shall be for advanced or specialized education in accredited or approved colleges or universities or in approved business, nursing, technical or vocational schools. Scholarships shall be used to defray tuition, incidental fees, books, supplies, transportation, other related school costs and the cost of board and room and shall be paid directly to the college or school concerned. The amount and type of each such scholarship shall be determined through the advice and counsel of the Minnesota Indian scholarship committee.

When an Indian student satisfactorily completes the work required by a certain college or school in a school year, he is eligible for additional scholarship, if additional training is necessary to reach his educational and vocational objective. Scholarships may not be given to any Indian student for more than four years of study.

Subd. 2. The Minnesota Indian scholarship committee shall consist of nine persons. The Indian affairs intertribal board shall nominate up to 15 persons for membership on the committee. The state board shall appoint the members of the committee from

among the persons so nominated. Each member shall have knowledge of and interest in the educational needs of Indian children.

Subd. 3. Except as otherwise provided in this section, the terms, compensation and removal of members, the filling of vacancies and the expiration of the committee shall be as provided in section 15.059, except that the state shall not pay the expenses incurred by a member for out of state travel.

Sec. 9. Notwithstanding this section or section 15.059, persons serving on the Minnesota Indian scholarship committee on the effective date of this section may continue to serve on the committee until August 1, 1979, but their terms shall expire on that date. On August 1, 1979 the state board shall appoint nine members to the Minnesota Indian scholarship committee from among persons nominated by the Indian affairs intertribal board. Former members of the committee who qualify under the provisions of subdivision 2 are eligible for appointment to the committee. Notwithstanding section 15.059, subdivision 2, the terms of all members appointed on August 1, 1979 shall begin on August 1, 1979. For the purposes of section 15.059, the terms of five of the members shall be treated as though the terms began on the same day as the first term of the governor during whose term those members were appointed, and the terms of four of the members shall be treated as though the terms of those members began the first week in January, 1980."

Page 4, line 22, delete "\$725,000" and insert "\$475,000"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after "school;" insert "prescribing additional qualifications for receipt of certain Indian scholarships; reconstituting the Minnesota Indian scholarship committee;"

Page 1, line 12, after "Sections" insert "124.48;"

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 the following appointment as reported in the Journal for May 2, 1979:

TAX COURT

John Knapp

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

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

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

H. F. No. 1111 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:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
1111	1465				

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. 597 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

SPECIAL ORDERS		CONSENT CALENDAR		CALENDAR	
H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
597	664				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 597 be amended as follows:

Page 2, after line 19, insert:

"At least five percent of this amount shall be used for bridges that also serve as water control structures."

Page 2, after line 22, insert:

"At least five percent of this amount shall be used for bridges that also serve as water control structures."

And when so amended H. F. No. 597 will be identical to S. F. No. 664, and further recommends that H. F. No. 597 be given its second reading and substituted for S. F. No. 664, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S. F. Nos. 390, 1344, 844, 272, 654, 510 and 435 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. 1111 and 597 were read the second time.

H. F. Nos. 1236, 633 and 913 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Anderson moved that the name of Mr. Schaaf be added as co-author to S. F. No. 701. The motion prevailed.

Mr. Hughes moved that the name of Mr. Humphrey be added as co-author to S. F. No. 1573. The motion prevailed.

Mr. Penny introduced—

Senate Resolution No. 33: A Senate resolution recognizing the importance of and supporting the expansion of approved methods of soil and water conservation and management by encouraging public awareness of the importance of soil and water conservation through the designation of Soil Stewardship Week, May 20 through May 26, 1979.

Referred to the Committee on Rules and Administration.

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

SPECIAL ORDER

H. F. No. 555: A bill for an act relating to crimes; specifying the crime of offering substances purporting to be prohibited for sale; creating a new category of offense for assault; reclassifying assaults by degrees; specifying the crime of interference with privacy; reclassifying the pecuniary categories of the crime of theft; redefining certain felonies; authorizing agents of the bureau of criminal apprehension to obtain search warrants; clarifying the locus of venue; providing penalties; amending Minnesota Statutes 1978, Sections 609.02, by adding subdivisions; 609.11; 609.25, Subdivision 2; 609.341, Subdivision 3, and by adding a subdivision; 609.343; 609.344; 609.345; 609.52, Subdivision 3; 609.562; 609.563; 609.595, Subdivision 1; 611.033; 626.05, Subdivision 2; 626.11; 626.13; 627.01; Chapters 152, by adding a section; and 609, by adding sections; repealing Minnesota Statutes 1978, Sections 246.43; 609.22; and 609.225.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Engler	Knaak	Olhoft	Solon
Ashbach	Frederick	Knutson	Perpich	Spear
Bang	Gearty	Laufenburger	Pillsbury	Stokowski
Benedict	Hanson	Lessard	Renneke	Strand
Bernhagen	Hughes	Luther	Rued	Tennessen
Brataas	Humphrey	McCutcheon	Schaaf	Ueland, A.
Chenoweth	Jensen	Menning	Schmitz	Ulland, J.
Chmielewski	Johnson	Merriam	Setzepfandt	Vega
Davies	Keefe, S.	Moe	Sieloff	Wegener
Dieterich	Kirchner	Nelson	Sikorski	Willet
Dunn	Kleinbaum	Nichols	Sillers	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 912: A bill for an act relating to juries; requiring the department of public safety to provide jury commissioners with drivers' license lists at a reasonable fee; amending Minnesota Statutes 1978, Section 593.37, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Frederick	Lessard	Renneke	Stokowski
Benedict	Gearty	Luther	Rued	Strand
Bernhagen	Hughes	McCutcheon	Schaaf	Tennessen
Brataas	Humphrey	Menning	Schmitz	Ueland, A.
Chenoweth	Jensen	Merriam	Setzepfandt	Ulland, J.
Chmielewski	Johnson	Nelson	Sieloff	Wegener
Davies	Keefe, S.	Nichols	Sikorski	Willet
Dieterich	Kirchner	Olhoft	Sillers	
Dunn	Knutson	Perpich	Solon	
Engler	Laufenburger	Pillsbury	Spear	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 277: A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; amending Minnesota Statutes 1978, Sections 18.023, Subdivisions 1 and 3a; and 275.50, Subdivision 6.

Mr. Olson moved to amend H. F. No. 277, as amended pursuant to Rule 49, adopted by the Senate May 15, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 519.)

Page 2, line 32, delete "*or shrub*"

Page 5, line 1, strike "1,000" and insert "4,000"

The motion prevailed. So the amendment was adopted.

H. F. No. 277 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Laufenburger	Peterson	Staples
Bang	Gunderson	Luther	Pillsbury	Stokowski
Benedict	Hanson	McCutcheon	Renneke	Strand
Bernhagen	Hughes	Menning	Rued	Ueland, A.
Brataas	Humphrey	Merriam	Schaaf	Ulland, J.
Chenoweth	Jensen	Moe	Schmitz	Vega
Chmielewski	Johnson	Nelson	Setzepfandt	Wegener
Davies	Keefe, S.	Ogdahl	Sieloff	Willet
Dieterich	Kirchner	Olhoft	Sikorski	
Dunn	Knaak	Olson	Sillers	
Engler	Knoll	Penny	Solon	
Frederick	Knutson	Perpich	Spear	

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

SPECIAL ORDER

H. F. No. 257: A bill for an act relating to taxation; providing standards and procedures for tax increment financing; authorizing the issuance of bonds; authorizing tax increment financing for the payment of principal and interest on such bonds; providing limitation on extent of districts to which tax increment financing applies; amending Minnesota Statutes 1978, Sections 362A.05; 458.192, Subdivision 11; 462.545, Subdivision 5; 462.585, Subdivisions 2, 3 and 4; 472A.06; 472A.07, by adding a subdivision; 473F.02, Subdivision 3; 473F.05; 473F.08, Subdivisions 2, 4 and 6; 474.10, Subdivisions 2 and 3; and Chapter 273, by adding sections; repealing Minnesota Statutes 1978, Sections 458.192, Subdivision 12; 472A.02, Subdivision 3; 472A.07, Subdivision 4; and 472A.08.

Mr. Hanson moved to amend H. F. No. 257, as amended pursuant to Rule 49, adopted by the Senate May 15, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 977.)

Page 9, line 24, delete "*If the municipality*"

Page 9, delete lines 25 to 27

Page 15, delete lines 2 to 5

Page 17, line 15, delete the semicolon and insert a period

Page 17, delete lines 16 to 33

Pages 18 and 19, delete lines 1 to 33

Page 20, delete lines 1 to 14

Page 22, line 26, delete "*ten*" and insert "*eight*"

Page 22, line 27, delete "*twelve*" and insert "*ten*"

Page 37, line 22, delete "(a)"

Page 37, line 25, delete "(a)"

The motion prevailed. So the amendment was adopted.

Mr. Hanson then moved to amend H. F. No. 257, as amended pursuant to Rule 49, adopted by the Senate May 15, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 977.)

Page 10, line 18, delete "*a tax increment*" and insert "*an economic development project or a housing*"

Page 10, line 21, delete "*, in the case of a housing or economic*"

Page 10, line 22, delete "*development project,*" and delete "*or, in the case of a*"

Page 10, line 23, delete "*redevelopment project, 75 percent*"

Page 12, after line 28, insert:

"Subd. 9. [REQUIREMENT FOR AGREEMENTS.] No more than 20 percent, by acreage, of the property to be acquired within a redevelopment project, as set forth in the tax increment financing plan, shall at any time be owned by an authority as a result of acquisition with the proceeds of bonds issued pursuant to sections 9 to 12 without the authority having prior to acquisition in excess of the percentages concluded an agreement for the development or redevelopment of the property acquired and which provides recourse for the authority should the development or redevelopment not be completed."

The motion prevailed. So the amendment was adopted.

Mr. Hanson then moved to amend H. F. No. 257, as amended pursuant to Rule 49, adopted by the Senate May 15, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 977.)

Page 20, line 18, after "*VALUE.]*" insert "*(a) Except as provided in paragraph (b),*"

Page 20, line 30, delete "*; by the certification of one*"

Page 20, delete line 31

Page 20, line 32, delete "*existing project pursuant to sections 1 to 14,*"

Page 21, line 2, after "*value*" insert "*as of the effective date of sections 1 to 14*" and delete the period and insert "*; provided that the amount of the .5 percent additional limitation shall be reduced each year after the effective date of this act as follows: Upon certification by the commissioner of revenue of the estimated market value of the municipality in each succeeding year, the percentage increase in that value over the estimated market value*

of the municipality as of the effective date of sections 1 to 14 shall be multiplied by .5. The product of that computation shall be subtracted from .5 to produce the additional percentage limitation for the municipality for tax increment financing projects for which certification may be sought that year. After the .5 percent additional limit has been reduced to zero by the annual increases in the estimated market value of the municipality, the municipality shall be subject to the 2.5 percent limitation for purposes of all tax increment projects for which certification is subsequently sought."

Page 21, after line 2, insert:

"(b) If a municipality is prohibited by the terms of paragraph (a) from obtaining certification of an additional tax increment financing district, and the total captured assessed value of the previously certified tax increment districts located in the municipality is less than 2.5 percent of the estimated market value of the municipality, the municipality may request certification of one additional redevelopment project, and the county auditor shall not refuse to certify the district because of the limitation contained in paragraph (a)."

The motion prevailed. So the amendment was adopted.

Mr. Solon moved to amend H. F. No. 257, as amended pursuant to Rule 49, adopted by the Senate May 15, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 977.)

Page 3, line 15, after the period, insert *"For the purposes of this subdivision, "real property" shall include any property normally taxable as personal property by reason of its location on or over property owned by a tax-exempt entity."*

Page 3, line 18, after *"district"* insert *", including the value of property normally taxable as personal property by reason of its location on or over property owned by a tax-exempt entity,"*

Page 5, delete line 15

Page 5, line 23, delete the period and insert *"; or"*

Page 5, after line 23, insert:

"(d) Underutilized air rights exist over a public street, highway or right-of-way."

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 21, Mr. Moe moved that the following members be excused at 4:00 o'clock p.m. for a Conference Committee on H. F. No. 1518:

Messrs. Moe, Solon, Kirchner, Spear and Perpich.

The motion prevailed.

H. F. No. 257 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 11, as follows:

Those who voted in the affirmative were:

Bang	Gearty	Knoll	Pillsbury	Staples
Benedict	Gunderson	Luther	Renneke	Stokowski
Brataas	Hanson	McCutcheon	Schaaf	Stumpf
Chenoweth	Hughes	Menning	Schmitz	Tennessee
Davies	Humphrey	Merriam	Setzepfandt	Ueland, A.
Dieterich	Jensen	Nelson	Sieloff	Vega
Dunn	Johnson	Olhoft	Sikorski	Wegener
Engler	Keefe, S.	Olson	Sillers	

Those who voted in the negative were:

Ashbach	Kleinbaum	Laufenburger	Ogdahl	Rued
Bernhagen	Knaak	Lessard	Penny	Willet
Keefe, J.				

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Kleinbaum moved that S. F. No. 228 be taken from the table. The motion prevailed.

CONCURRENCE AND REPASSAGE

Mr. Kleinbaum moved that the Senate concur in the amendments by the House to S. F. No. 228 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 228 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 42 and nays 10, as follows:

Those who voted in the affirmative were:

Bang	Hughes	Laufenburger	Rued	Strand
Bernhagen	Humphrey	Luther	Schaaf	Stumpf
Chenoweth	Jensen	McCutcheon	Schmitz	Tennessee
Davies	Johnson	Merriam	Setzepfandt	Ueland, A.
Dieterich	Keefe, J.	Nelson	Sieloff	Vega
Engler	Keefe, S.	Ogdahl	Sikorski	Wegener
Gearty	Kleinbaum	Olson	Sillers	
Gunderson	Knaak	Penny	Staples	
Hanson	Knoll	Pillsbury	Stokowski	

Those who voted in the negative were:

Benedict	Dunn	Lessard	Olhoft	Renneke
Chmielewski	Knutson	Menning	Peterson	Willet

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

SPECIAL ORDER

H. F. No. 643: A bill for an act relating to marriage; eliminating certain information from the marriage license application; defining terms; requiring personal service in a dissolution; providing for the court's findings in an uncontested dissolution; providing mutual restraining orders pending a dissolution; providing additional relevant factors for making custody determinations and for awarding maintenance; permitting retroactive modification of support and maintenance orders for inability to pay; amending Minnesota Statutes 1978, Sections 517.03; 517.08, Subdivision 1a; 518.07; 518.09; 518.10; 518.13; 518.135, Subdivision 2; 518.155; 518.156; 518.165; 518.17, Subdivision 1; 518.175, Subdivision 1; 518.176; 518.54, Subdivision 5; 518.55; 518.551; 518.552, Subdivision 2; 518.58; 518.64, Subdivision 2; 518.66 and Chapter 518, by adding a section.

Mr. Davies moved to amend H. F. No. 643, the unofficial engrossment, as follows:

Page 10, line 4, after "result" insert ", or that the exclusion is reasonable in the circumstances"

The motion prevailed. So the amendment was adopted.

Mr. Menning moved to amend H. F. No. 643, the unofficial engrossment, as follows:

Page 2, line 10, after the semicolon, insert "or

(d) A marriage between a man and a woman one or both of whom has a current unpaid balance of child support or maintenance owing pursuant to a valid court order at the time of application for a marriage license;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 6 and nays 42, as follows:

Those who voted in the affirmative were:

Chmielewski	Olhoft	Renneke	Rued	Schmitz
Menning				

Those who voted in the negative were:

Anderson	Engler	Keefe, S.	Ogdahl	Stokowski
Bang	Frederick	Knaak	Penny	Strand
Benedict	Gearty	Knoll	Pillsbury	Stumpf
Bernhagen	Gunderson	Knutson	Schaaf	Tennessen
Chenoweth	Hughes	Laufenburger	Setzepfandt	Vega
Coleman	Humphrey	Lessard	Sieloff	Willet
Davies	Jensen	Luther	Sikorski	
Dieterich	Johnson	Merriam	Sillers	
Dunn	Keefe, J.	Nelson	Staples	

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

Mr. Humphrey moved to amend H. F. No. 643, the unofficial engrossment, as follows:

Page 10, line 3, delete "minor"

The motion prevailed. So the amendment was adopted.

Mr. Davies moved to amend H. F. No. 643, the unofficial engrossment, as follows:

Strike the Sieloff amendment to page 25, line 27, adopted by the Senate May 15, 1979

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Keefe, S.	Nelson	Stokowski
Coleman	Humphrey	Laufenburger	Renneke	Stumpf
Davies	Jensen	Luther	Schaaf	Tennessee
Dieterich	Johnson	Merriam	Staples	Wegener

Those who voted in the negative were:

Ashbach	Engler	Knutson	Olson	Sieloff
Bang	Frederick	Lessard	Peterson	Sikorski
Benedict	Gearty	McCutcheon	Pillsbury	Sillers
Bernhagen	Gunderson	Menning	Rued	Strand
Chmielewski	Keefe, J.	Ogdahl	Schmitz	Ueland, A.
Dunn	Knaak	Olhoff	Setzepfandt	Willet

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

Mr. Chenoweth moved to amend H. F. No. 643, the unofficial engrossment, as follows:

Page 23, after line 15, insert *"Unless otherwise specifically set forth in the decree, if in a decree of dissolution one party is awarded the homestead and the other party is awarded a fixed dollar amount based on an assumed or appraised market value of the homestead and within 24 months following the decree the homestead is sold, within six months of the sale either party may petition, and the court may grant, an apportionment of the proceeds in the proportion awarded in the decree, based upon the net sale price rather than the assumed or appraised market value."*

The motion prevailed. So the amendment was adopted.

H. F. No. 643 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 45 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Keefe, S.	Ogdahl	Sikorski
Ashbach	Frederick	Knaak	Olhoff	Sillers
Bang	Gearty	Knoll	Penny	Staples
Benedict	Gunderson	Knutson	Peterson	Stokowski
Brataas	Hanson	Lessard	Pillsbury	Strand
Chenoweth	Hughes	Luther	Schaaf	Stumpf
Davies	Humphrey	McCutcheon	Schmitz	Ueland, A.
Dieterich	Johnson	Merriam	Setzepfandt	Vega
Dunn	Keefe, J.	Nelson	Sieloff	Wegener

Those who voted in the negative were:

Bernhagen	Laufenburger	Olson	Rued	Willet
Chmielewski	Menning	Renneke		

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

RECONSIDERATION

Mr. Olson moved that the vote whereby H. F. No. 277 was passed by the Senate on May 16, 1979, be now reconsidered. The motion prevailed.

H. F. No. 277: A bill for an act relating to shade tree disease control; authorizing grants for municipal shade tree removal and reforestation programs; amending Minnesota Statutes 1978, Sections 18.023, Subdivisions 1 and 3a; and 275.50, Subdivision 6.

Mr. Olson moved to amend H. F. No. 277, as amended pursuant to Rule 49, adopted by the Senate May 15, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 519.)

Page 7, after line 4, insert:

"Sec. 6. [EFFECTIVE DATE.] *This act is effective July 1, 1979 and applies to costs incurred on and after January 1, 1979.*"

The motion prevailed. So the amendment was adopted.

H. F. No. 277 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Anderson	Engler	Knutson	Pillsbury	Strand
Ashbach	Frederick	Laufenburger	Renneke	Stumpf
Bang	Gerty	Lessard	Rued	Tennessen
Benedict	Hanson	Luther	Schaaf	Ueland, A.
Bernhagen	Hughes	McCutcheon	Schmitz	Vega
Brataas	Humphrey	Merriam	Setzepfandt	Wegener
Chenoweth	Johnson	Nelson	Sieloff	Willet
Chmielewski	Keefe, J.	Ogdahl	Sikorski	
Davies	Keefe, S.	Olhoft	Sillers	
Dieterich	Knaak	Olson	Staples	
Dunn	Knoll	Penny	Stokowski	

Mr. Peterson voted in the negative.

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

SPECIAL ORDER

H. F. No. 1037: A bill for an act relating to interim claims against the state; appropriating money for the payment thereof.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Sillers
Ashbach	Gearty	Laufenburger	Penny	Stokowski
Bang	Gunderson	Lessard	Peterson	Strand
Benedict	Hanson	Luther	Pillsbury	Stumpf
Bernhagen	Hughes	McCutcheon	Renneke	Tennesen
Chenoweth	Humphrey	Menning	Rued	Ueland, A.
Chmielewski	Johnson	Merriam	Schaaf	Vega
Davies	Keefe, J.	Nelson	Schmitz	Willet
Dieterich	Keefe, S.	Nichols	Setzepfandt	
Dunn	Knaak	Ogdahl	Sieloff	
Engler	Knoll	Olhoff	Sikorski	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1238: A bill for an act relating to crimes; prohibiting the obtaining or retaining of a child in violation of a court order; prescribing penalties; amending Minnesota Statutes 1978, Section 609.26.

Mr. Sikorski moved to amend H. F. No. 1238 as follows:

Page 2, line 15, after "he" insert "takes,"

Amend the title as follows:

Page 1, line 2, after "the" insert "taking,"

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

The motion prevailed. So the amendment was adopted.

H. F. No. 1238 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 48 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Engler	Knoll	Ogdahl	Sieloff
Bang	Frederick	Knutson	Olhoff	Sikorski
Benedict	Gearty	Laufenburger	Penny	Sillers
Bernhagen	Gunderson	Lessard	Peterson	Strand
Brataas	Hanson	Luther	Pillsbury	Stumpf
Chenoweth	Hughes	McCutcheon	Renneke	Ueland, A.
Chmielewski	Humphrey	Menning	Rued	Ulland, J.
Davies	Johnson	Merriam	Schaaf	Willet
Dieterich	Keefe, J.	Nelson	Schmitz	
Dunn	Knaak	Nichols	Setzepfandt	

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

SPECIAL ORDER

H. F. No. 1309: A bill for an act relating to mobile homes; regulating space and lot rentals and leases; regulation of mobile home parks; prohibiting unreasonable park rules and regulations; requiring notice; specifying grounds for eviction and access; prohibiting retaliatory conduct; amending Minnesota Statutes 1978, Sections 327.20, by adding a subdivision; 327.42, Subdivision 2, and by adding subdivisions; 327.43, Subdivision 2, and by adding a subdivision; 327.44; and Chapter 327, by adding sections.

Mr. Merriam moved that the amendment made to H. F. No. 1309 by the Committee on Rules and Administration in the report adopted May 15, 1979, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Merriam moved to amend H. F. No. 1309, as follows:

Page 4, line 24, delete "8" and insert "9"

The motion prevailed. So the amendment was adopted.

Mr. Davies moved to amend H. F. No. 1309 as follows:

Page 5, line 27, after "operate" insert "*as a park*"

Page 5, line 27, after "or" insert "*the*"

Page 5, line 28, delete "*as a park*" and insert "*occupied by the tenant,*"

The motion prevailed. So the amendment was adopted.

H. F. No. 1309 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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knoll	Penny	Stokowski
Ashbach	Gearty	Knutson	Peterson	Stumpf
Bang	Gunderson	Laufenburger	Pillsbury	Tennessee
Bernhagen	Hanson	Lessard	Rued	Ueland, A.
Brataas	Humphrey	Luther	Schaaf	Ulland, J.
Chenoweth	Jensen	McCutcheon	Schmitz	Vega
Chmielewski	Johnson	Merriam	Setzepfandt	Willet
Davies	Keefe, J.	Nelson	Sikorski	
Dieterich	Keefe, S.	Ogdahl	Sillers	
Dunn	Knaak	Olhoft	Staples	

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

SPECIAL ORDER

S. F. No. 474: A bill for an act relating to taxation; income tax; providing a renewable energy credit; amending Minnesota Statutes 1978, Section 290.06, by adding a subdivision.

Mr. Knoll moved to amend S. F. No. 474 as follows:

Page 1, line 21, delete "*home*" and insert "*building*"

Page 1, line 22, delete "*principal residence*" and insert "*home-stead or for rental residential purposes*"

The motion prevailed. So the amendment was adopted.

S. F. No. 474 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 1, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, J.	Ogdahl	Sikorski
Ashbach	Engler	Keefe, S.	Olhoft	Sillers
Bang	Frederick	Knaak	Olson	Staples
Benedict	Gearty	Knoll	Penny	Stokowski
Bernhagen	Gunderson	Knutson	Peterson	Stumpf
Brataas	Hanson	Laufenburger	Pillsbury	Tennessen
Chenoweth	Hughes	Lessard	Rued	Ueland, A.
Chmielewski	Humphrey	Luther	Schaaf	Ulland, J.
Coleman	Jensen	McCutcheon	Schmitz	Vega
Dieterich	Johnson	Nelson	Setzepfandt	Willet

Mr. Merriam voted in the negative.

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

RECESS

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

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

MEMBERS EXCUSED

Mr. Ulland, J., was excused from the Session of today from 4:00 o'clock p.m. to 5:10 p.m. Mr. Kleinbaum was excused from the Session of today at 4:15 o'clock p.m. Messrs. Keefe, S.; Lessard and Peterson were excused from the Session of today at 6:00 o'clock p.m. Mr. Sieloff was excused from the Session of today at 6:20 o'clock p.m.

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 1101, 736, 202, 405, 1261, 1151, 917, 129, and H. F. Nos. 451, 1091, 1167 makes the following report:

That the above Senate Files and House Files 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.

Mr. Coleman moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

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. 60: Messrs. Purfeerst, Sikorski and Peterson.

S. F. No. 801: Messrs. Knutson, Luther and Willet.

H. F. No. 260: Mrs. Staples, Messrs. Keefe, J. and Nelson.

H. F. No. 248: Messrs. Sikorski, Penny and Bang.

Mr. Coleman moved that the foregoing appointments be approved. The motion prevailed.

CALL OF THE SENATE

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

Anderson	Davies	Humphrey	Merriam	Sieloff
Ashbach	Dieterich	Keefe, S.	Nelson	Sikorski
Bang	Dunn	Knutson	Penny	Sillers
Benedict	Engler	Laufenburger	Peterson	Staples
Bernhagen	Frederick	Lessard	Pillsbury	Stumpf
Brataas	Gearty	Luther	Rued	Ueland, A.
Chenoweth	Hanson	McCutcheon	Schaaf	Wegener
Coleman	Hughes	Menning	Schmitz	Willet

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

SPECIAL ORDER

H. F. No. 877: A bill for an act relating to insurance premium finance companies; authorizing finance charges at rates permitted by the general usury provisions; amending Minnesota Statutes 1978, Section 59A.09, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Pillsbury	Stokowski
Ashbach	Gearty	Laufenburger	Renneke	Strand
Bang	Gunderson	Lessard	Rued	Tennessen
Benedict	Hanson	Menning	Schaaf	Ueland, A.
Bernhagen	Humphrey	Merriam	Schmitz	Wegener
Brataas	Keefe, J.	Nelson	Setzepfandt	
Davies	Kirchner	Ogdahl	Sieloff	
Dunn	Knaak	Penny	Sillers	
Engler	Knoll	Peterson	Staples	

Those who voted in the negative were:

Chenoweth	Keefe, S.	Olhoft	Spear	Vega
Dieterich	Luther	Sikorski	Stumpf	Willet
Johnson	Nichols			

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1206: A bill for an act relating to energy; encouraging municipalities to use diseased trees.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Ashbach	Engler	Knaak	Olhoft	Sikorski
Bang	Frederick	Knoll	Olson	Sillers
Benedict	Gearty	Knutson	Penny	Staples
Bernhagen	Gunderson	Laufenburger	Peterson	Strand
Brataas	Hanson	Lessard	Pillsbury	Stumpf
Chenoweth	Hughes	Luther	Rued	Tennesen
Chmielewski	Humphrey	Menning	Schaaf	Ueland, A.
Davies	Johnson	Merriam	Schmitz	Vega
Dieterich	Keefe, J.	Nelson	Setzepfandt	Wegener
Dunn	Kirchner	Ogdahl	Sieloff	Willet

So the bill passed and its title was agreed to.

Pursuant to Rule 21, Mr. McCutcheon moved that the following members be excused for a Conference Committee on H. F. No. 1495:

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

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

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

S. F. No. 1519: A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying a collective bargaining agreement; amending Minnesota Statutes 1978, Sections 43.01, Subdivision 14; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 8a, 10, 12, 14, 16, 17, 23, 24, 25, and by adding subdivisions; 43.122, Subdivision 5; 43.17, Subdivision 3; 43.43, by adding a subdivision; 43.44, Subdivision 2; 43.50, Subdivision 1; 43.51; and 645.44, Subdivision 5.

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

Page 1, line 15, delete "AGREEMENT" and insert "AGREEMENTS"

Page 1, line 15, before "Within" insert "Subdivision 1. [PREAMBLE.] *The legislature finds that the quality of public employees in Minnesota is high and that public employees provide a significant public service to the people of Minnesota. The legislature further finds that there is a need to study, clarify and change the laws relating to civil service and public employee labor relations in order to preserve equity in public employment wages, promote employee morale, expedite labor negotiations, and promote efficient management in the state civil service.*

Subd. 2."

Page 1, line 20, after "AFL-CIO," insert "*the Minnesota teamsters public and law enforcement employees union, local No. 320, the international union of operating engineers, locals No. 34 and 49, the independent Minnesota association of government employees, the Minnesota highway patrol officers' association, the bureau of criminal apprehension association of forensic scientists, the bureau of criminal apprehension agents association, the Minnesota state university association of administrative and service faculty/Teamsters, the professional employee pharmacists of Minnesota, the middle management association, the Minnesota community college faculty association, the Minnesota conservation officers association, the Minnesota highway patrol supervisors association, the Minnesota nurses association, the Minnesota government engineers council, the association of institutional dentists, the state residential schools education association, the Minnesota administrative hearing officers association, the inter-faculty organization Minnesota education association, and the Minnesota state fire/arson investigators and fire inspectors, local No. S-13, I.A.F.F.,*"

Page 1, line 21, delete "wage" and insert "wages"

Page 1, after line 21, insert

"Sec. 2. Minnesota Statutes 1978, Chapter 3, is amended by adding a section to read:

[3.985] [LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS.] *Subdivision 1. [ESTABLISHMENT.] There is created the legislative commission on employee relations. The commission shall consist of five members of the senate and five members of the house of representatives. The senate members shall include the majority leader, the minority leader, the chairman of the governmental operations committee, the chairman of the finance committee, and the chairman of the tax committee, or their designees. The house members shall include the speaker, the minority leader, the chairman of the governmental operations committee, the chairman of the appropriations committee, and the chairman of the tax committee, or their designees. In the event that the membership of the house is evenly divided, the house members shall be selected pursuant to the rules of the house. The commission shall elect its own officers who shall serve for terms*

of two years. The chairmanship of the commission shall alternate between a member of the senate and a member of the house.

Subd. 2. [STATE EMPLOYEE NEGOTIATIONS.] Prior to the commencement of collective bargaining activities with state employees, the commission shall conduct hearings at which public employees, representatives of public employees and the commissioner of personnel shall be allowed to testify as to their beginning negotiating positions. The commissioner of personnel shall regularly advise the commission on the progress of collective bargaining activities with state employees pursuant to the state public employment labor relations act. The commission may make recommendations to the commissioner as it deems appropriate. The commissioner shall submit to the chairman of the commission any negotiated agreements or arbitration awards which the commissioner has approved within five days of the making thereof. If the commission disapproves of any agreement or award, the commission shall specify in writing to the parties those portions with which it disagrees and the reasons therefor. Upon receipt of the notice of disapproval from the commission, the commissioner of personnel will reopen the negotiations. If the commission approves of an agreement or award, it shall cause the matter to be submitted to the legislature to be accepted or rejected pursuant to section 179.74. Failure of the commission to disapprove of affected portions of an agreement or award within 30 days of its receipt shall be deemed approval. Approval or disapproval by the commission shall not be binding on the entire legislature.

Subd. 3. [OTHER DUTIES.] In addition to the duties specified in subdivision 2, the commission shall perform the following:

(a) Continually monitor the state's civil service system, chapter 43, and collective bargaining process, Sections 179.61 to 179.76, as applied to state employees;

(b) Research and analyze the need for improvements in those statutory sections; and

(c) Perform such other related functions as are delegated to it by the legislature.

Sec. 3. [DEFINITIONS.] Subdivision 1. As used in sections 3 to 7, the terms defined in this section have the meanings given them.

Subd. 2. "State agency" means every department and agency in the executive branch of state government having more than 40 state funded positions, but not including the constitutional officers nor the University of Minnesota. For the purposes of sections 3 to 7 only, it also means the legislative audit commission and the Minnesota historical society.

Subd. 3. "State-funded positions" means all full-time equivalent personnel positions however authorized, except those funded entirely by federal money and those which provide direct care to residents at state hospitals.

Subd. 4. "Normal attrition" means vacancies occurring due to voluntary resignations, retirements, and deaths. It does not include vacancies due to involuntary dismissals and terminations.

Sec. 4. Each state agency shall submit to the commissioner of finance, the chairmen of the senate finance and house appropriations committees, and the legislative commission on employee relations by October 1, 1980, a plan for reducing its number of employees pursuant to sections 3 to 7 during the 1981-1983 biennium. The plan shall include (1) a description of the number and types of reductions in positions, (2) an analysis of the effect of the reductions on services provided by the agency, and (3) an analysis of the ratio of supervisory to non-supervisory employees in the agency.

Sec. 5. [POSITION REDUCTIONS.] Subdivision 1. [VACANT POSITIONS.] *The commissioner of finance shall cancel every state funded position that has remained vacant for more than 90 days, unless (a) the commissioner of personnel has certified that the position has not been filled because the department of personnel was unable to certify any names pursuant to section 43.18, or (b) an exception has been requested pursuant to subdivision 4. If the exception is denied, the position shall be cancelled.*

Subd. 2. [NORMAL ATTRITION.] Each state agency shall reduce the number of its state funded positions authorized on July 1, 1981 by at least four percent. Reductions shall be accomplished solely by cancellation pursuant to subdivision 1 and normal attrition. Subject to the needs of the state agency, the reductions shall be distributed among salary schedules in approximate proportion to the number of employees in each schedule. Positions providing custodial control of inmates of state correctional institutions, maintenance of state highways, teaching at state universities and community colleges paid for by increased tuition from increased enrollment, or enforcement of state laws on state highways or public lands and waters shall not be eliminated unless the agency shows that it has no other feasible and prudent alternative. To the maximum extent feasible, one-half of the reduction shall be accomplished by June 30, 1982, and the remainder by June 30, 1983.

Subd. 3. [TRANSFERS.] A state agency may transfer positions to another agency pursuant to Minnesota Statutes, Section 16.125, but the number of positions on July 1, 1981 for each agency affected shall be adjusted to reflect the transfer. A position that is eliminated by transferring an employee to part-time, seasonal, or other status of employment by the same state agency does not count as a position reduction for purposes of meeting the goals set by this section.

Subd. 4. [EXCEPTIONS; SHIFTS.] Where the position cancellations and reductions required by this section would unduly impair the ability of a state agency to perform the duties assigned to it, the state agency may apply to the commissioner of finance

for an exception permitting the agency to avoid the cancellation or make a lesser reduction than would otherwise be required.

Sec. 6. [SPENDING PLANS.] Subdivision 1. [TRANSFERS.] *A state agency shall not transfer any money to or from personal services as shown on the official worksheets of the conferees of the senate and house of representatives, a true copy of which is on file in the office of the commissioner of finance, without the written approval of the commissioner of finance, who shall consult with the legislative advisory commission for its recommendations, which are advisory only.*

Subd. 2. [SALARY SAVINGS.] *The commissioner of finance shall reduce the amount allotted or to be allotted to each state agency by the amount of any saving that can be effected upon previous spending plans through the position reductions required by section 5.*

Sec. 7. [REPORTING AND REVIEW.] Subdivision 1. *The commissioner of personnel shall report monthly to the commissioner of finance the number of vacancies occurring in each state agency due to normal attrition.*

Subd. 2. *The commissioner of finance shall report monthly to the chairmen of the senate finance and house appropriations committees and to the legislative commission on employee relations the number of vacancies occurring in each state agency due to normal attrition, the number of state funded positions that have been eliminated as required by section 5, and a summary of personnel employed by each state agency showing by fund the number of full-time and full-time equivalent state funded and federal positions and the number of persons actually employed by the agency.*

Subd. 3. *The legislative commission on employee relations shall periodically review the progress of the state agencies in meeting the requirements of section 5.*

Sec. 8. Minnesota Statutes 1978, 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 sections 12.31 to 12.37, (c) 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) the department of military affairs. Sections 15.0418 to 15.0426 do not apply to the Minnesota municipal board or the public employment relations board.

Sec. 9. Minnesota Statutes 1978, Section 15A.081, Subdivision 1, is amended to read:

15A.081 [SALARIES AND SALARY RANGES FOR CERTAIN EMPLOYEES.] Subdivision 1. The following salaries or salary ranges are provided for the below listed employees in the executive branch of government:

	Base Salary or Range
Administration, department of commissioner	\$41,000
Agriculture, department of commissioner	36,000
Attorney general, office of deputy attorney general	23,000-42,000
Commerce, department of commissioner of banks	32,000
commissioner of insurance	32,000
commissioner of securities	32,000
executive secretary, commerce commission	27,000
Community college system chancellor	41,000
Corrections, department of commissioner	36,000
ombudsman	32,000
Crime prevention and control, governor's commission on executive director	32,000
Economic development, department of commissioner	32,000
Economic security, department of commissioner	41,000
Education, department of commissioner	41,000
Energy agency director	36,000
Finance, department of commissioner	45,000
Health, department of commissioner	41,000
Hearing examiners office chief hearing examiner	36,000
Higher education coordinating board executive director	36,000
Housing finance agency executive director	36,000

	Base Salary or Range
Human rights, department of commissioner	\$29,000
Indian affairs board executive director	25,000
Investment, board of executive secretary	41,000
Iron range resources and rehabilitation board commissioner	29,000
Labor and industry, department of commissioner	36,000
judge of the workers' compensation court of appeals	36,000
director, mediation services	29,000
Natural resources, department of commissioner	41,000
Personnel, department of commissioner	41,000
Planning agency director	41,000
Pollution control agency director	36,000
<i>Public employment relations board</i> <i>chairman</i>	<i>32,500</i>
<i>member</i>	<i>32,500</i>
Public safety, department of commissioner	36,000
Public service, department of commissioner, public service commission director	32,000 32,000
Public welfare, department of commissioner	41,000
Revenue, department of commissioner	41,000
State university system chancellor	41,000
Transportation, department of commissioner	41,000
Veterans affairs, department of commissioner	29,000

Sec. 10. Minnesota Statutes 1978, Section 15A.13, is amended to read:

15A.13 [OTHER TERMS AND CONDITIONS OF EMPLOYMENT.] The annual salaries prescribed by chapter 15A

for positions in the unclassified service of the executive branch of the state government are in addition to other terms and conditions of their employment as now or hereafter prescribed by law or the commissioner of personnel pursuant to section 43.127, subdivision 6.

Sec. 11. Minnesota Statutes 1978, Section 16A.123, is amended to read:

16A.123 [APPROVED COMPLEMENT.] The approved complement set for an agency by law limits the number of persons who may be employed by personnel positions in the agency at any one time. The approved complement does not apply to independent contractors. In addition to the approved complement, part-time employees, seasonal or intermittent employees as defined by the commissioner of personnel, summer student help, service workers, preservice trainees employed pursuant to affirmative action programs approved by the commissioner of personnel, CETA employees, or employees engaged in repair or construction projects may be employed with the advance approval of the commissioner of finance who shall determine the need for them and that money is available. The approved complement applies to persons employed by positions in the agency regardless of the fund or appropriation from which they are paid.

Additional full-time employees positions over the number of the approved complement may be employed created on the basis of public necessity or emergency. If the employee position is to be paid from a direct an appropriation of money other than federal money, the addition shall not be made without the written approval of the governor. The governor shall not approve the addition until after he has consulted with the legislative advisory commission and the commission has made its recommendation on the matter. The recommendation is advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation. If the employee position is not to be paid from a direct an appropriation of federal money, the addition may be made with the written approval of the commissioner of finance who shall determine the need for it and that money is available. The commissioner of finance shall promptly notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the additions.

Sec. 12. Minnesota Statutes 1978, Section 43.01, Subdivision 10, is amended to read:

Subd. 10. [POSITION.] "Position" means an office, position, or employment a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full time or part time employment of one person.

Sec. 13. Minnesota Statutes 1978, Section 43.01, Subdivision 11, is amended to read:

Subd. 11. [APPOINTING AUTHORITY.] "Appointing authority" means the appointing officer or authority of any state office or department a person or group of persons empowered by

the constitution, by statute, or executive order to employ or to make appointments to positions in the state civil service."

Page 2, after line 13, insert:

"Sec. 15. Minnesota Statutes 1978, Section 43.01, is amended by adding a subdivision to read:

Subd. 23. [PERMANENT.] "Permanent" means the employment status of an employee in the classified civil service who has been appointed to a position after successfully completing an initial probationary period as set forth in section 43.21.

Sec. 16. Minnesota Statutes 1978, Section 43.05, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIED DUTIES.] The commissioner shall:

(1) Attend all meetings of the board;

(2) ~~Prepare~~ *Promulgate* personnel rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all officers and employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; leaves of absence with and without pay; transfers, reinstatements, layoffs, vacations, and hours of work; public notice of examinations; procedure for changes in rates of pay; compulsory retirement at fixed ages; and other conditions of employment. If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse, minor or dependent children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee;

(3) Appoint temporary and permanent employees and officers as are necessary to carry out the provisions of this chapter; these employees and officers shall be chosen in accordance with and shall be subject to, the provisions of this chapter;

(4) ~~Keep in the office of the department of personnel an official roster of the state civil service~~ *Operate an information system from which data can be retrieved concerning employees in agencies under his jurisdiction showing the their employment history of each and every person who has been appointed to, employed, promoted, reduced, or reinstated in any position in the service; which roster shall show, in connection with each name, histories including the date of appointment, employment, promotion, reduction demotion , reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, sick or annual leaves, and separations from the service; and the commissioner shall have access to all public records and papers private personnel data kept by an appointing authority ,*

the examination of which will aid in the discharge of his duty in connection with the roster duties ;

~~(5)~~ (4) Prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;

~~(6)~~ (5) Make certifications for appointment within the classified service, in accordance with the provisions of this chapter;

~~(7)~~ (6) Make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;

~~(8)~~ (7) Discharge such duties as are imposed upon him by this chapter;

~~(9)~~ (8) Establish, publish and continually review logical career paths in the classified civil service;

~~(10)~~ (9) Consider all requests for other than state appropriated funds from any state department or agency for personnel purposes all of which shall be submitted to him for comment before any such request is made of a federal, local, or private agency; and

~~(11)~~ (10) Prepare rules regulating the temporary placement designation of positions in the unclassified civil service;

~~(12)~~ (11) Review, establish or change titles for the positions in the unclassified civil service in the executive branch of state government except those established by law or by the constitution, to make titles descriptive of positions and consistent throughout the state service; and

~~(13)~~ (12) In conformance with the rule making provisions of chapter 15, promulgate a code of ethics establishing standards of conduct to be observed by state employees in the performance of their official duties.

Sec. 17. Minnesota Statutes 1978, Section 43.055, is amended to read:

43.055 [EXTENT OF AUTHORITY.] Whenever any power or authority is given to the commissioner of personnel by any provision of ~~chapters 15A or~~ chapter 43, such power or authority shall extend to all departments ~~agencies~~ in the executive branch, but shall not extend to any subdivisions ~~or~~ employees in the judicial branch or legislative branch. The classified employees in the office of the legislative auditor, the Minnesota state retirement system, and teachers retirement association, however, shall be subject to the powers or authority of the commissioner of personnel.

Sec. 18. Minnesota Statutes 1978, Section 43.064, is amended to read:

43.064 [OTHER SALARIES SET BY COMMISSIONER OF PERSONNEL.] Notwithstanding any other law to the contrary, salaries ~~compensation~~ 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)~~ (2) employees in the office of the governor whose salaries shall be determined by the governor; ~~(4)~~ (3) employees in the office of the attorney general; ~~(5)~~ (4) 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, *or conducting academic support programs*; and the positions of state university *and community college* presidents. Individual salaries for positions enumerated in clauses (3) *and* (4) *and* ~~(5)~~ *for classified hearing examiners in the office of hearing examiners* shall be determined by the attorney general, the state university board, the state board for community colleges, *and the chief hearing examiner*, 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. 19. Minnesota Statutes 1978, Section 43.067, Subdivision 3, is amended to read:

Subd. 3. [MEDICAL DOCTORS EXEMPTED.] Salaries of medical doctors who are occupying positions which the commissioner of personnel determines require an a M.D. degree and who are paid under the provisions of section 43.126, or who are employed by political subdivisions in positions that the governing body of the political subdivision has determined require an a M.D. degree, *and dentists who are employed by the department of corrections and welfare* shall be excluded from the limitation provided in this section.

Sec. 20. Minnesota Statutes 1978, Section 43.09, Subdivision 2, is amended to read:

Subd. 2. [UNCLASSIFIED SERVICE.] The unclassified *civil* service comprises positions held by state ~~officers~~ or employees who are:

(1) Chosen by election or appointed to fill an elective office;

(2) Heads of department required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, divisions and institutions specifically established by law, except that with respect to state institutions, the provisions of section 246.02 are hereby continued in effect; provided, this clause shall not apply to heads of divisions now exist-

ing in the department of labor and industry ; ~~nor to the director of the division of vocational rehabilitation in the department of education ;~~

(3) Except as herein otherwise enlarged, one private secretary to each of the elective officers of this state, and in addition thereto, one deputy, clerk, or employee to the secretary of state, state auditor, and state treasurer;

(4) Intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(5) Employees in the offices of the governor and of the lieutenant governor, and one confidential employee for the governor in the office of the adjutant general;

(6) Officers and employees of the senate and house of representatives of the legislature including temporary or permanent employees of legislative committees or commissions. Employees of the legislative audit commission, except for the legislative auditor, his deputy, and his confidential secretary, however, shall be employees in the classified civil service of the state;

(7) Teachers, research assistants, student employees on less than half-time pay basis or eligible under terms of the federal economic opportunity act work study program, presidents, deans, and administrative officers in the state universities *and community colleges*; but this clause shall not be construed to include the custodial, clerical, or maintenance employees, or any administrative officers, or clerical workers performing duties in connection with the business administration of these institutions;

(8) Officers and enlisted persons in the national guard;

(9) Attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with his authorization;

(10) All courts and all employees thereof, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(11) Patient and inmate help in state institutions;

~~(12)~~ Members of the state highway patrol; provided that selection and appointment of highway patrol ~~officers~~ *troopers* shall be made in accordance with applicable laws governing the classified state civil service;

~~(13)~~ The deputy commissioner of agriculture, and the deputy director and assistant director of the Minnesota pollution control agency;

~~(14)~~ One employee of the state treasurer, for the purpose of receiving and safekeeping assets deposited and maintained with the state treasurer, pursuant to Laws 1943, Chapter 501, and whose salary or compensation is to be reimbursed to the state under said act;

~~(15)~~ (12) Seasonal help employed by the department of revenue;
~~(16)~~ (13) Employees of the department of administration permanently assigned to the ceremonial house ;

(14) *Examination monitors and intermittent training instructors employed by the department of personnel;*

(15) *Student workers;*

(16) *Unclassified pursuant to other statutory authority .*

Sec. 21. Minnesota Statutes 1978, Section 43.09, Subdivision 2a, is amended to read:

Subd. 2a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Notwithstanding any other law to the contrary, the personnel board, upon the request of the governor, is hereby authorized to establish permanent unclassified positions, or to unclassify previously classified positions, provided that:

(1) Positions so established involve only deputy or assistant heads of departments or agencies, or director level positions which are not specifically established by law, and who are appointed by and report directly to a head of a department or agency who is required by law to be appointed by the governor, or by a gubernatorially appointed board; as well as one position for a personal secretary of any head of a department or agency listed in clause (4).

(2) Classified incumbents of such positions, if any, are not removed from that position for a period of one year except under applicable provisions of rules and laws governing classified state employees. An incumbent of a position that is declassified pursuant to this subdivision, if he so requests within 120 days after being removed from that position, shall be appointed to a classified position comparable to the position that was declassified, or if such a position is unavailable, to a position comparable to that which he held immediately prior to being appointed to the position that was declassified. If a position is declassified and the incumbent at the time the position was declassified had no classified status immediately prior to the appointment to the position that was declassified, he shall, if he so requests within 120 days after being removed from that position, be appointed to a comparable or lower classified position within two salary ranges of the position that was declassified.

(3) If an employee in the classified civil service accepts a newly created unclassified position, he shall retain an inactive classified civil service status and, upon his request, shall be reappointed to a classified position comparable to that which he held immediately prior to being appointed to the *unclassified* position ~~that was declassified~~ .

(4) Positions so established are limited in number to six in the departments of administration, corrections, economic security, finance, transportation, natural resources, public safety, public welfare, and revenue; to five in the departments of commerce, educa-

tion, health, labor and industry, and personnel *and the housing finance agency*; to four in the departments of agriculture, and economic development; to three in the department of public service, the planning agency, and the pollution control agency; and to two in the departments of human rights, *the crime control planning board* and veterans affairs. Departments or agencies not enumerated in this clause shall not be authorized to establish additional unclassified positions under the provisions of this subdivision.

(5) Funds are available."

Page 2, line 22, reinstate "33"

Page 2, line 23, delete "30"

Page 2, line 28, delete "\$2,996" and insert "\$3,598"

Page 8, line 31, reinstate "special teachers,"

Page 9, line 11, reinstate "special teachers,"

Page 9, line 11, after "labor" insert "service"

Page 10, after line 11, insert:

"Sec. 34. Minnesota Statutes 1978, Section 43.12, Subdivision 15, is amended to read:

Subd. 15. Notwithstanding the provisions of any other law to the contrary, *when prior to making an appointment to the unclassified civil service of the executive branch of government, except for unclassified employees compensated in accordance with plans submitted to the commissioner under the provisions of section 43.064,* the appointing authority shall provide the commissioner with a personal resume of the appointee and a detailed job description outlining the duties and responsibilities of the position which the appointee will occupy in such form as the commissioner may prescribe. Any changes in work assignment shall be reported in writing to the commissioner. If, in the judgment of the commissioner, additional information is required in order to establish comparability with positions in the classified civil service, the commissioner shall review the duties of the position in the same manner as a position in the classified civil service would be investigated. All persons in the unclassified civil service of the executive branch of government, except those whose salary is set specifically by statute, shall be paid according to the compensation provisions applicable to employees performing comparable work in the classified civil service, but in no event shall unclassified personnel receive rates of pay which exceed the maximum rate of the salary range established for comparable work in the classified civil service. *The appointing authority shall provide the commissioner with a personal resume of the appointee at the time of appointment to a position subject to the provisions of this subdivision."*

Page 10, line 16, reinstate ", and special teachers"

Page 10, delete lines 21 to 23

Page 10, line 24, delete everything before the stricken "Such"

Page 11, line 17, strike everything after the period

Page 11, lines 18 to 21, strike old language and delete new language

Page 11, line 22, delete everything before the stricken "The"

Page 14, line 3, delete "179.77" and insert "179.76"

Page 14, line 10, delete "179.77" and insert "179.76"

Page 15, after line 20, insert:

"Sec. 41. Minnesota Statutes 1978, Section 43.127, Subdivision 6, is amended to read:

Subd. 6. [EMPLOYEE BENEFITS.] The commissioner may design an employee benefit system for employees defined as managerial providing flexibility between leave, insurance, and other compensation items, which may differ from those for other state employees. Retirement items shall not be included in the commissioner's authority. *The managerial benefits established under the provisions of this subdivision may be extended to unclassified managers, including those department heads and deputies whose salaries are established in section 15A.081, subdivisions 1 and 5.*

Sec. 42. Minnesota Statutes 1978, Section 43.15, Subdivision 5, is amended to read:

Subd. 5. [EXPANSION OF ELIGIBLE LISTS TO MEET AFFIRMATIVE ACTION GOALS.] When the commissioner of personnel determines that a disparity exists between the agency's work force and its approved affirmative action plan, the commissioner shall insure to the extent possible that members of the protected group groups for which the disparity exists are included on that portion of the eligible list of persons to be considered for appointment, which list is hereinafter referred to as the "appointment list". Notwithstanding any contrary provision of this chapter, when a position is to be filled by open competitive examination and fewer than three individuals of a *all* protected group groups for which a disparity has been determined to exist appear on the appointment list, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist have been added to *appear on* the appointment list. Notwithstanding any contrary provision of this chapter, when a position is to be filled by examination other than open competitive examination and fewer than one-third of the individuals on an appointment list are members of the protected group groups for which a disparity has been determined to exist, the commissioner shall certify, if possible, as many additional names in order from the eligible list as are necessary so that persons from all the protected groups for which a disparity has been determined to exist comprise one-third of the appointment list or until an aggregate total of three persons from all the protected groups for which a disparity has been determined to exist have been added to *appear on* the appointment list,

whichever comes first. *However, the appointment list shall not be expanded when the position to be filled is covered by a collective bargaining agreement which provides for the filling of vacancies by seniority and the appointment list developed in accord with section 43.18 includes the names of one or more employees within the bargaining unit in which the vacancy exists.* Notwithstanding any provision of this subdivision to the contrary, no person shall be added to an appointment list as a result of this subdivision if that person received a score of less than 70 on the applicable test."

Page 15, line 24, strike "appropriate"

Page 15, line 25, strike everything after "list"

Page 15, strike lines 26 to 28

Page 15, line 29, strike "satisfactory list" and insert "*determined appropriate by the commissioner. Where the vacancy to be filled is in a position covered by a collective bargaining agreement, the appointment list shall be made available upon request to the exclusive representative as defined in sections 179.61 to 179.76*"

Page 16, after line 5, insert

"Sec. 44. Minnesota Statutes 1978, Section 43.17, Subdivision 4a, is amended to read:

Subd. 4a. Notwithstanding any law to the contrary, persons may be employed by any governmental ~~department~~ agency in the classification of service worker or be employed as a pre-service trainee, as defined by applicable personnel job description or personnel rule, in excess of any personnel limitations, quotas or complements as established by law. Said employment shall be subject to restrictions contained in section ~~16.173~~ 16A.123 and shall be subject to the advance approval of the commissioner of ~~administration~~ finance .

Sec. 45. Minnesota Statutes 1978, Section 43.19, is amended to read:

43.19 [VACANCIES; PROMOTIONS; DISMISSALS.] Subdivision 1. [VACANCIES FILLED BY PROMOTION.] (1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in the ~~classified executive branch of the state civil service, or the legislative branch of state civil service, and classified positions on the staff of the legislative auditor, Minnesota state retirement system and teachers retirement association~~ and, subject to such exceptions as the commissioner may provide, from the lower class and in accordance with section 43.18 and personnel rules. Except as provided in clause (2), promotions shall be based upon merit and fitness, to be ascertained by competitive examinations in which the employee's efficiency and job-related conduct shall constitute a factor. For positions defined by personnel rule as "non-managerial" seniority shall also constitute a factor.

(2) The commissioner may authorize the appointing authority of any state agency to promote any employee in that agency to a position in a higher class requiring peculiar and exceptional quali-

fications of an administrative, scientific, professional, or expert character, following a non competitive examination, which shall be practical and shall involve only the duties of the position provided his position has been reallocated as the result of gradual changes in the job which have occurred over a period of time and he has performed satisfactorily in the position .

(3) The commissioner shall give the non competitive examinations provided for in clause (2) upon request of any appointing authority, in accordance with personnel rules.

Subd. 2. [INCREASE, WHEN A PROMOTION.] For the purpose of this section, the commissioner shall determine, by personnel rule, what shall constitute a promotion.

Subd. 3. [RESTORATION TO POSITION AFTER DISMISSAL.] Any promotional appointee who is either dismissed during the probationary period from the position to which he has been promoted for cause other than misconduct or delinquency on his part from the position to which he has been promoted either during the probationary period, or who does not attain permanent classified civil service status in the class to which he has been promoted in accord with section 43.21 at the conclusion thereof by reason of the failure of the appointing authority to file a request for his continuance in the position of the probationary period , shall be restored to the a position in the class and agency from which he was promoted. Nothing contained in this section shall be construed to prevent any employee of the classified civil service from competing for places upon registers of persons eligible for original appointments.

Subd. 4. [MANAGERIAL OR PROFESSIONAL POSITION, FILLING.] Notwithstanding any provision in this chapter, to the contrary, every vacancy in a managerial or professional position shall be open to any state employee in the executive branch or legislative branch and any classified employee of the legislative auditor, Minnesota state retirement system and teachers retirement association qualifying through examination and in accordance with the provisions of sections 43.18, subdivision 1. The commissioner of personnel may require the filling of this type of vacancy by any qualified person, but in no case shall the filling of such a vacancy be limited to only the employees of a department or agency. For professional positions seniority in length of service shall also be one of the factors in an appointment in the manner as provided by personnel rule.

Subd. 5. [PROMOTIONS; WORK STATION LOCATION.] No employee of any agency in the executive branch shall be deemed ineligible for promotion to a position solely because of the location of the employee's current work station or the location of the work station to which the employee would be assigned if promoted to that position.

Sec. 46. Minnesota Statutes 1978, Section 43.20, Subdivision 3, is amended to read:

Subd. 3. In case of an emergency, an appointment may be made without regard to the provisions of this chapter, but in no case

shall it continue longer than ~~ten~~ 30 working days, and in no case shall successive emergency appointments be made; . This provision shall apply to both persons and positions; and . No person shall receive be employed more than ~~three~~ 30 working days on emergency appointments in any one or different positions within any 12 month period by the same appointing authority .

Sec. 47. Minnesota Statutes 1978, Section 43.20, Subdivision 5, is amended to read:

Subd. 5. Where the services to be rendered by an appointee are for a temporary period not to exceed an accumulation of six months in any 12 month period, the commissioner shall , when practicable, certify from an eligible list for the temporary service any person he deems qualified; the acceptance or refusal by an eligible of a temporary appointment shall not affect his standing on the register for permanent employment, nor shall the period of temporary service be counted as a part of the probationary period in case of subsequent appointment to a permanent position. *Where certification from an eligible list is impractical, the commissioner may authorize the temporary appointment of an individual designated by the appointing authority. The commissioner shall refer to the appointing authority the names of employees on layoff from the legislature who are available for appointment to temporary positions with duties and responsibilities comparable to work performed in the legislature. The secretary of the senate and the chief clerk of the house shall supply the names of legislative employees on layoff status who are available for appointment.* No temporary appointment shall exceed an accumulation of six months except to fill a vacancy created by an approved leave of absence not to exceed one year or where the commissioner grants an extension of temporary appointment to the maximum of one year in the best interests of the state. *No person shall receive successive temporary appointments, nor be employed in temporary appointments for more than 12 months within any 24 month period.*

Sec. 48. Minnesota Statutes 1978, Section 43.227, is amended to read:

43.227 [TIME OFF IN EMERGENCIES.] At the request of a department head, and An appointing authority, after consultation with the commissioner of public safety, the commissioner may authorize the requesting department head to excuse state employees from duty with full pay in the event of a natural or man made emergency, if continued operation would involve a threat to the health or safety of individuals. Absence with pay shall not exceed 16 working hours at any one time unless the governor commissioner authorizes a longer duration.

Sec. 49. Minnesota Statutes 1978, Section 43.24, is amended to read:

43.24 [REMOVAL.] Subdivision 1. [WRITTEN STATEMENT.] No permanent employee in the classified service, under the provisions of this chapter or the rules made pursuant thereto, shall be removed, discharged, suspended without pay for more

than 30 days, or reduced in pay or position, except for just cause, which shall not be religious or political, or because of the employee's race, sex, disability or age, subject however to the mandatory retirement ages specified by law. In case of any disciplinary action, as enumerated in this section, the employee shall, before the action is taken, be furnished with a statement, in writing, setting forth the reasons for the disciplinary action, be permitted five days time to reply thereto, in writing, or upon his request, to appear personally and reply to the head of the department. A copy of the statement and the employee's reply, if any, shall be filed with the commissioner prior to the effective date thereof. Any permanent employee in the classified service who is removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position, shall be notified no later than the effective date of the action of his right to appeal the action to the board.

Subd. 1a. For the purposes of this section, "just cause" includes, but is not limited to, consistent failure to perform assigned duties, chronic unauthorized absenteeism, substandard or consistently marginal performance, failure to improve performance despite warnings and suggestions for improvement by supervisors, insubordination, and unfavorable performance appraisals. "Just cause" excludes the religious beliefs, political beliefs, race, sex, disability status and age of the employee, subject however to mandatory retirement ages specified by law.

Subd. 2. [APPEAL TO BOARD; PUBLIC HEARINGS, FINDINGS, HEARING CONFERENCE.] Any permanent employee who is removed, discharged, suspended without pay for more than 30 days, or reduced in pay or position and who has not elected to proceed pursuant to a grievance procedure, if such procedure is available, pursuant to sections 179.61 to 179.77, may appeal to the board within 30 days after the effective date of such removal, discharge, suspension or reduction in pay or position. In no event may an employee avail himself of both the procedure under this section and the grievance procedure under sections 179.61 to 179.77. Upon such appeal, both the appealing employee and the appointing authority or their representatives shall meet with the hearing officer, at a place and on such date as set by him for the purpose of determining the facts at issue. Prior to the hearing conference, both parties may stipulate on mutually agreed matters relevant to the dismissal or other disciplinary action referred to in this subdivision. If the hearing officer is successful in reaching a mutually agreed settlement between both parties, such agreement shall be certified to the board, with copies furnished to both parties, and such agreement, if approved by the board, shall become binding on both parties. The hearing conference shall be conducted in such manner and follow such procedures as prescribed by the board. The issues and facts on which agreement has not been reached will be decided during the hearing at which hearing technical rules of evidence shall not apply. If the board finds that the action complained of was not taken by the appointing authority for just cause, the employee shall be reinstated to his position, or an equal position in another department or division, without loss of pay. If the board finds that there

exist sufficient grounds for institution of dismissal but extenuating circumstances are brought out in testimony and evidence, it may in its discretion reinstate the employee, with full, partial, or no pay, or it may modify the appointing authority's action by substituting a lesser disciplinary action. The hearing officer shall recommend to the board an appropriate disposition of the case. If no exceptions are made, the hearing officer's recommended disposition shall, at the option of the board, become final. If exceptions are taken, the board, upon a review of the record, may accept the officer's recommendations with or without additional oral or written evidence from the parties, may remand the case to the officer for further hearing, adopt the hearing officer's report with any changes warranted by the record, or issue its own report of findings and orders. In those cases in which the board finds just cause for dismissal, the findings and recommendations of the board shall be submitted to and considered by the appointing authority, who may, not later than 30 days after receipt of such findings and recommendations, reinstate the employee with or without pay for the period of suspension, or otherwise modify his original decision of suspension, demotion, or discharge. When any permanent employee is dismissed and not reinstated after appeal, the board may direct that his name be placed on an appropriate reemployment list, for employment in any similar position other than the one from which he has been removed, which direction shall be enforced by the commissioner.

Subd. 3. [REQUEST FOR WRITTEN STATEMENT.] When any such permanent employee shall be suspended without pay, he shall, within 30 days time after being notified of such disciplinary action, be furnished with a statement in writing specifically setting forth the reasons for the disciplinary action, and a copy of such statement shall then also be filed with the commissioner.

Sec. 50. Minnesota Statutes 1978, Section 43.32, Subdivision 4, is amended to read:

Subd. 4. [HUMAN RESOURCES PLANNING.] The commissioner, in conjunction with state agency heads, shall develop a statewide system of manpower planning in cooperation with state departments and agencies which shall provide for an assessment of present and future manpower needs analyze and assess current and future human resource requirements.

The commissioner may, in conjunction with the commissioner of finance, require state agencies to prepare human resource plans that correspond with agency funding cycles. The content of any human resource plan required by this provision shall be prescribed by the commissioners of personnel and finance at the same time biennial budget or other funding instructions are issued.

The commissioner shall coordinate departmental agency training activities and other personnel actions throughout the state civil service in order to meet the current and projected personnel human resource requirements of the state.

Sec. 51. Minnesota Statutes 1978, Section 43.327, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER TO MAKE RULES ON TRAVEL.]

(1) The commissioner shall ~~make promulgate~~ personnel rules relating to *special expenses and travel of state employees on state business and expenses incurred thereon*. *For purposes of this subdivision, "special expense" means a necessary reimbursable expense for meals, lodging, registration, conference fees or other expenses incurred in connection with assigned official duties of a state employee and where the employee's attendance or participation will accrue primarily to the state.*

(2) When unusual difficulty in recruiting qualified applicants is being encountered, the commissioner may authorize the appointing authority to pay travel expenses incurred by applicants invited for oral examinations or for employment interviews in the same manner and amounts authorized by personnel rules for state employees.

Sec. 52. Minnesota Statutes 1978, Section 43.327, Subdivision 3, is amended to read:

Subd. 3. [COMMISSIONER OF FINANCE TO ENFORCE RULES.] The commissioner of finance shall enforce the personnel rules concerning travel ~~or~~, relocation and *special expenses* and provide for the payment of expenses actually incurred or for payment on a daily flat rate as the *personnel rules* may permit. *The commissioner of finance may delegate the authority to approve travel and special expenses to the appointing authority. Subsequent delegation by the appointing authority must be approved in advance by the commissioner of finance and filed with the secretary of state. The commissioner of finance shall periodically review authority that has been delegated to ensure compliance with personnel rules relating to travel and special expenses and may modify or withdraw the delegation at any time upon written notice to the appointing authority.*

Page 16, line 20, after the period insert "Vacation leave, compensatory time or sick leave cannot be used for the purpose of continuing state paid insurance by keeping an employee on a state payroll for one working day per payroll period during the time the employee is on an unpaid leave of absence."

Page 17, line 23, after "to" insert "an"

Page 17, after line 27, insert

"Sec. 55. Minnesota Statutes 1978, Section 43.47, Subdivision 2, is amended to read:

Subd. 2. An emergency, temporary, or intermittent employee of the state; *student workers hired after July 1, 1979 and interns of the state*; a part time or seasonal employee of the state serving on less than a 75 percent time basis; but this exclusion shall not apply to a part time or seasonal employee of the state in the classified service who prior to April 1, 1967 was eligible for state paid basic life insurance and health benefits;

Sec. 56. Minnesota Statutes 1978, Section 43.491, Subdivision 5, is amended to read:

Subd. 5. Notwithstanding the restrictions contained in section 43.44, subdivision 2, a retired state employee who is eligible for, applies for and receives an annuity under a state retirement program shall be eligible to continue to participate at his own expense in the hospital benefits coverage and medical benefits coverage provided for other state employees by sections 43.42 to 43.50. The retired employee may also, at his own expense, continue hospital benefits coverage and medical benefits coverage for his dependents who meet the general dependent eligibility requirements for those coverages. The coverage shall be coordinated with relevant health insurance benefits provided through the federally-sponsored medicare program. Within 30 days after April 6, 1978 August 1, 1979, or within 30 days after the effective date of his retirement, whichever day is later, the employee shall notify the commissioner or his designee of his intention to continue the coverage. The commissioner shall establish forms and procedures, *including provisions for notice to the retired or retiring employee*, for exercise of the option provided by this section and for payment of necessary premiums."

Page 18, line 13, after the period, insert "*Effective July 1, 1981, a health maintenance organization which is a carrier for state employees shall be eligible to receive the payments under this section for the evaluation and screening of state employees who are enrollees in that health maintenance organization.*"

Page 18, line 18, delete "*, not to exceed the total cost,*"

Page 20, after line 7, insert

"Sec. 59. Minnesota Statutes 1978, Section 62D.22, Subdivision 7, is amended to read:

Subd. 7. A *licensed* health maintenance organization shall be deemed to be a prepaid group practice plan for the purposes of chapter 43 and shall be allowed to participate as a carrier for state employees subject to any negotiated labor agreement and reasonable restrictions applied to all carriers.

Sec. 60. Minnesota Statutes 1978, Section 179.63, Subdivision 11, is amended to read:

Subd. 11. "Essential employee" means any person within the definition of subdivision 7 whose employment duties involve work or services essential to the health or safety of the public and the withholding of such services would create a clear and present danger to the health or safety of the public *firefighters, police officers, highway patrolmen, guards at correctional institutions, and employees of hospitals other than state hospitals*.

Sec. 61. Minnesota Statutes 1978, Section 179.64, Subdivision 5, is amended to read:

Subd. 5. Any public employee, upon request, shall be entitled, as hereinafter provided, to establish that he did not violate the

provisions of this section. Such request must be filed in writing with the officer or body having the power to remove such employee, board within ten days after notice of termination is served upon him; whereupon such officer, or body, the board shall within ten days commence a proceeding at which such person shall be entitled to be heard for the purpose of determining whether the provisions of this section have been violated by such public employee, and. If there be are laws and regulations establishing proceedings to remove such public employee, the hearing shall be conducted in accordance therewith proceedings shall be suspended until the board has issued its decision on whether or not a violation of this section has occurred. The proceedings may upon application to the court board by an employer, an employee, or employee organization and the issuance of an appropriate order by the court board include more than one employee's employment status if the employees' defenses are identical, analogous or reasonably similar. Such proceedings shall be undertaken without unnecessary delay. Any person may secure a review of his removal by serving a notice so requesting upon the employer removing him within 20 days after the results of the hearing referred to herein have been announced. This notice, with proof of service thereof, shall be filed within ten days after service, with the clerk of the district court in the county where the employer has its principal office or in the county where the employee last was employed by the employer. The district court shall thereupon have jurisdiction to review the matter the same as on appeal from administrative orders and decisions. This hearing, shall take precedence over all matters before the board and may be held upon ten seven days written notice by either party to both parties. The court shall make such order in the premises as is proper; and an appeal may be taken therefrom to the supreme court. The board shall make findings of fact and issue any order as is proper. Any sanction against an employee imposed by the employer pursuant to this section which is not reasonable or is inconsistent with the board's findings and order shall be an unfair labor practice and appealable to the board as such.

Sec. 62. Minnesota Statutes 1978, Section 179.64, Subdivision 7, is amended to read:

Subd. 7. Either A violation of section 179.68, subdivision 2, clause (9), or a refusal by the employer to request binding arbitration when requested by the exclusive representative pursuant to section 179.69, subdivision 3 or 5, or, as applied to state employees, a disapproval by the legislative commission on employee relations pursuant to section 2 or a failure by the legislature to approve pursuant to section 179.74, is a defense to a violation of this section, except as to essential employees. As to all public employees, no other unfair labor practice or violation of Laws 1973, Chapter 635 by a public employer shall be a violation of this section but may be considered by the court board in mitigation of or retraction of any penalties as to employees and employee organizations.

Sec. 63. Minnesota Statutes 1978, Section 179.65, Subdivision 6, is amended to read:

Subd. 6. Supervisory and confidential employees, principals and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, ~~or principals and assistant principals~~, for the purpose of negotiating terms or conditions of employment, in accordance with all other provisions of Laws 1973, Chapter 635, as though they were essential employees. Units of supervisory or confidential employees shall not participate in any joint negotiations which involve the participation of units of employees other than supervisory or confidential employees. Affiliation of a supervisory or confidential employee with another employee organization which has as its members non-supervisory employees or non-confidential employees is permitted.

Sec. 64. Minnesota Statutes 1978, Section 179.66, Subdivision 1, is amended to read:

179.66 [RIGHTS AND OBLIGATIONS OF EMPLOYERS.]
Subdivision 1. A public employer is not required to meet and negotiate on matters of inherent managerial policy, which include, but are not limited to, such areas of discretion or policy as the functions and programs of the employer, its overall budget, utilization of technology, the organizational structure and selection and direction and number of personnel. *No public employer shall sign an agreement which limits the right of the public employer to select persons to serve as supervisory employees or state managers pursuant to section 43.127 or requires the use of seniority in their selection.*

Sec. 65. Minnesota Statutes 1978, Section 179.67, Subdivision 3, is amended to read:

Subd. 3. The director may certify an employee organization as an exclusive representative in an appropriate unit upon the joint request of the employer and the organization if, ~~after investigation, he finds that no charge is pending with the board claiming that an~~ unfair labor practice was committed in initiating and submitting the joint request and that the employee organization does in fact represent over 50 percent of the employees in the appropriate unit. The provisions of this subdivision shall not in any case reduce the time period or nullify any bar to the employee organization's certification existing at the time of the filing of the joint request.

Sec. 66. Minnesota Statutes 1978, Section 179.67, Subdivision 13, is amended to read:

Subd. 13. Upon a finding by the ~~director~~ *board* of an unfair labor practice being committed by an employer or representative candidate or an employee or group of employees, which unfair labor practice affected the result of an election held pursuant to this section, the ~~director~~ *board* may void ~~such~~ the election result and order the ~~director~~ to conduct a new election or, *if a fair election cannot be held, the board may order the director to*

certify a union if the unfair labor practice has resulted in the dissipation of the majority status of the employee organization.

Sec. 67. Minnesota Statutes 1978, Section 179.67, is amended by adding a subdivision to read:

Subd. 4a. The director shall not consider a petition for a decertification election during the effective term of a contract covering employees of the executive branch of the state of Minnesota except for a period for not more than 270 to not less than 210 days before its date of termination.

Sec. 68. Minnesota Statutes 1978, Section 179.68, Subdivision 1, is amended to read:

179.68 [UNFAIR PRACTICES.] Subdivision 1. The practices specified in this section are unfair practices. Any employee, employer, employee or employer organization, exclusive representative, or any other person or organization aggrieved by an unfair labor practice as defined in sections 179.61 to 179.77 may bring an action in district court of the county wherein the practice is alleged to have occurred before the board for injunctive relief and for damages caused by such the unfair labor practice.

Sec. 69. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.681] [PREVENTION OF UNFAIR LABOR PRACTICES.] Subdivision 1. Any allegation concerning an unfair labor practice shall be submitted to the board for a determination and remedy as provided in this section.

Subd. 2. Upon the filing with the board by any party in interest of a complaint in writing, on a form provided by the board, charging any person with engaging in or having engaged in any specific unfair labor practice, the complainant shall provide by registered mail or personal service a copy of the complaint to all other parties in interest. Any other person claiming interest in the dispute or controversy, as an employer, an employee, or their representative, may be made a party upon application. The board may bring in additional parties by service of a copy of the complaint. Only one complaint shall issue against a person with respect to a single controversy, but a complaint may be amended in the discretion of the board at any time prior to the issuance of a final order based on the complaint. The person against whom the complaint is made may file an answer to the original or amended complaint and may appear in person or otherwise and give testimony at the place and time fixed in the notice of hearing. If the board decides that the complaint is without merit, it shall issue an order to that effect. If the board decides that the complaint may have merit, the board shall fix a time for the hearing, which shall not be less than ten nor more than 40 days after the filing of the complaint, except as otherwise provided in section 179.64, subdivision 5. Notice shall be given to each interested party by personal service or by mailing a copy to him at his last known post-office address at least ten days before the hearing. No complaint may be acted on by the

board concerning an unfair labor practice committed more than six months prior to the filing of the complaint unless the board for good cause waives the time limitation.

Subd. 3. The board may issue subpoenas, administer oaths, and take and provide for the taking of depositions. Any person who willfully and unlawfully fails or neglects to appear, testify or produce books, papers, and records as required, shall, upon application to a district court, be ordered to appear before the board to testify or produce evidence if so ordered. Failure to obey the order of the court may be punished as civil contempt. Each witness appearing before the board or before a hearing examiner holding a hearing on behalf of the board shall be paid by the party requesting the witness in the amount and manner specified in section 357.22 unless the board determines that the witness is a public official who is appearing in the regular and normal course of his official duties and who is reimbursed by his employer in whole or in part for expenses necessitated by his appearance. A full and complete record of all proceedings before the board shall be kept in the manner most practical and most economical as determined by the board. The board may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. They may exclude incompetent, irrelevant, immaterial and repetitious evidence. Compliance with the technical rules of pleading before courts need not be required by the board.

Subd. 4. If the board cannot expeditiously hold a hearing on a complaint filed with the board, the board may request the chief hearing officer of the state office of hearing examiners to assign a hearing officer to hold a hearing on the complaint on behalf of the board. After an assignment is made the hearing officer shall notify the parties of the time and place of the hearing, conduct the hearings in a fair and impartial manner, and following the hearing, issue a report to the board stating his findings of fact, his conclusions, and, if proper, his recommendations for a remedy. The board shall then consider the report of the hearing examiner and may adopt, modify, or reject the report. The board may base its decision on a review of the record made by the hearing examiner, or it may, if necessary, choose to rehear the matter in whole or in part before issuing its decision.

Subd. 5. If upon the preponderance of the testimony taken the board is of the opinion that any person named in the complaint has engaged in or is engaging in an unfair labor practice, then it shall state its findings of fact and shall issue and cause to be served on the person an order requiring him to cease and desist from the unfair labor practice, and to take affirmative action, including, but not limited to, reinstatement of employees with or without back pay, as will effectuate the policies of the public employment labor relations act. If upon the preponderance of the testimony taken the board is not of the opinion that the person named in the complaint has engaged in or is engaging in an unfair labor practice, then the board shall state its findings of fact and

shall issue an order dismissing the complaint. The board may as part of its final order, in cases where it deems it appropriate, require a person found to have committed an unfair labor practice to reimburse the prevailing party for reasonable costs incurred in conjunction with the filing and hearing of the complaint.

Subd. 6. If, after 30 days following the issuance of its order, the board finds that the order has not been complied with, the board or the prevailing complainant may petition the district court of the county wherein the unfair labor practice was or is being committed for an injunction against further disobedience of its order. The injunction shall be granted unless the party against whom the board's order was directed can show that it has initiated appeals proceedings under subdivision 7, in which case, the injunction shall still be granted unless the court finds substantial reasons for denying the injunction.

Subd. 7. A party in interest may within 30 days of the issuance of an order have the order reviewed by the supreme court on certiorari upon the grounds provided in section 15.0425.

No objection that has not been urged before the board shall be considered by the court, unless the failure or neglect to urge the objection is excused because of extraordinary circumstances. The findings of the board with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the hearing before the board, the court may order the evidence to be taken before the board and to be made a part of the record. The board may modify its findings as to the facts, or make new findings, by reason of additional evidence taken and filed. The board shall file the modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. The board shall file its recommendations, if any, for the modification or setting aside of its original order. On review of any board order the supreme court may reverse, affirm, or modify the order and enter such judgment as it deems just and proper. Where necessary the supreme court may remand the cause to the board for a new hearing or for further proceedings with directions.

Subd. 8. Until the record in a case is filed in a court, as hereinafter provided, the board may at any time, upon reasonable notice and in a manner it deems proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

Sec. 70. Minnesota Statutes 1978, Section 179.72, is amended to read:

179.72 [PUBLIC EMPLOYMENT RELATIONS BOARD; POWERS AND DUTIES; ARBITRATION.] Subdivision 1. There is hereby established a public employment relations board with the powers and duties assigned to it by this section. The board shall consist of ~~five~~ three members appointed by the governor of the

state of Minnesota with the advice and consent of the senate. Two members shall be representative of public employees; two shall be representative of public employers; and one shall be representative of the public at large. Public employers and employee organizations representing public employees may submit for consideration names of persons representing their interests to serve as members of the board. Board members shall devote the equivalent of full time service to the board and shall refrain from political activity or other activity incompatible with their board duties during the term of their appointment. Board members shall not be selected on the basis of their affiliation with or representation of any group or special interest, but shall be selected because of experience and proficiency in the practice and laws of labor relations and because of an ability to render knowledgeable, impartial decisions in matters before the board. Members shall be appointed for a term of six years, each term beginning on July 1, of an even numbered year. One initial appointment shall be for two years, and one initial appointment shall be for four years. Members shall hold office until their successors are appointed and qualified and vacancies shall be filled by the governor of the state of Minnesota for the unexpired term. The board governor shall select one of its members to serve as chairman for a term beginning May 1 each year. The director of mediation services shall provide secretarial and administrative services to the board.

Subd. 2. The board shall adopt its own rules governing its procedures and shall hold regular and special meetings as are prescribed in such rules. The chairman shall preside at meetings of the board. The chairman may designate one or more of the board members, individually, to perform certain acts on behalf of the board. The chairman shall have the responsibility for scheduling hearings, assigning the writing of opinions, hiring employees, and he shall be the chief administrative officer of the board.

Subd. 3. In addition to the other powers and duties given it by law, the board has the following powers and duties:

(a) to hear and decide issues relating to the meaning of the terms "supervisory employee", "confidential employee", "essential employee" or "professional employee", as defined by section 179.63;

(b) to hear and decide appeals from determinations of the director relating to the appropriateness of a unit under section 179.67;

(c) to approve or disapprove the rules and regulations promulgated by the director under section 179.71, subdivision 5, clause (g);

(d) to hear and decide on the record from determinations of the director relating to a fair share fee challenge decided under section 179.71, subdivision 2 ; and

(e) to render and enforce decisions in unfair labor practice cases as specified in sections 179.64, 179.67, 179.68, and section 69 .

Subd. 4. The board shall adopt rules pursuant to chapter 15 governing the presentation of issues relating to matters included in subdivision 3; and the taking of such appeals. All issues and appeals from a determination of the director presented to the board shall be determined upon the record established by the director of mediation, except that the board at its discretion may request additional evidence when necessary or helpful. *The board may employ persons as are necessary for the efficient performance of its functions. The board shall keep and file in a logical manner all its orders and decisions, which file shall be available for use by the public. The board shall in January of each odd numbered year issue a report on its activities to the governor and the legislature. The report may also contain recommendations for legislative action in the field of labor relations.*

Subd. 5. The board shall maintain a list of names of arbitrators qualified by experience and training in the field of labor management negotiations and arbitration. Names on the list may be selected and removed at any time by a majority of the board. In maintaining the list of such persons the board shall, to the maximum extent possible, select persons from varying geographical areas of the state.

Subd. 6. When final positions are certified to the board as provided in section 179.69, subdivision 3, or submitted to the board as provided in section 179.69, subdivision 5, the board shall constitute an arbitration panel as follows:

The parties shall, under the direction of the chairman of the board, alternately strike names from a list of seven arbitrators until only three names remain, which three members shall be members of the panel; provided, however, that if either party requests the parties shall select a single arbitrator to hear the dispute. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. In submitting names of arbitrators to the parties the board shall endeavor whenever possible to include names of persons from the general geographical area in which the public employer is located. The panel shall assume and have jurisdiction over the items of dispute certified to the board for which the panel was constituted. The panel's orders shall be issued upon a majority vote of members considering a given dispute. The members of the panel shall be paid their actual and necessary traveling and other expenses incurred in the performance of their duties plus a per diem allowance of \$180 for each day or part thereof while engaged in the consideration of a dispute. All fees, expenses and costs of the panel shall be shared and assessed equally to the parties to the dispute. In those cases where a single arbitrator is hearing a dispute, the fees, expenses and costs of the arbitrator shall also be shared and assessed equally by the parties to the dispute.

Subd. 7. The arbitration panel or arbitrator selected by the parties shall resolve the issues in dispute between the parties as submitted by the board, and the panel's decision and order shall be final and binding upon the parties. Provided, however, that no

decision of the panel which violates any provision of the laws of Minnesota or rules or regulations promulgated thereunder or municipal charters or ordinances or resolutions enacted pursuant thereto, or which causes a penalty to be incurred thereunder, shall have any force or effect. In considering a dispute and issuing its order the panel shall give due consideration to the statutory rights and obligations of public employers to efficiently manage and conduct its operations within the legal limitations surrounding the financing of such operations. The panel's ~~orders~~ *order* shall be issued by a majority vote of its members considering a *given* the dispute. The panel shall have no jurisdiction over nor authority to entertain any matter or issue not within the definition stated in section 179.63, subdivision 18; provided, however, items not within terms and conditions of employment may be included in an arbitration decision if such items are contained in the employer's final position. Any issue or order or part thereof issued by the panel determining any matter not included under section 179.63, subdivision 18 or the employer's final position shall be void and of no effect. The panel shall render its decision within ten days from the date that all arbitration proceedings have been concluded, but in any event must issue its order by the last date the employer is required by statute, charter, ordinance or resolution to submit its tax levy or budget or certify its taxes voted to the appropriate public officer, agency, public body or office, or by November 1, whichever date is earlier. The panel's order shall be for such period as the panel shall direct, except that orders determining contracts for teacher units shall be effective to the end of the contract period as determined by section 179.70, subdivision 1.

Subd. 8. Notwithstanding the provisions of subdivision 7, for employees of the executive branch of the state of Minnesota, the panel shall be restricted to selecting between the final offers on each impasse item submitted by the parties to the panel.

Sec. 71. Minnesota Statutes 1978, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of personnel shall meet and negotiate with the exclusive representative of appropriate units in the manner prescribed by sections 179.61 to 179.77; provided, however, that the director of mediation services shall define appropriate units of state employees as all the employees under the same appointing authority except where professional, geographical or other considerations affecting employment relations clearly require appropriate units of some other composition. The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of personnel in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, all positions in the bureau of mediation services, *all hearing examiners in the office of hearing examiners*, employees who work in the personnel offices of an appointing authority in the executive branch and who have access to information subject to use by

the appointing authority in meeting and negotiating or who actively participate in the meeting and negotiating on behalf of the state employees, shall be excluded from any appropriate unit. Regardless of unit determination, the governor may upon the unanimous written request of exclusive representatives of units and appointing authorities direct that negotiations be conducted for one or more appointing authorities in a common proceeding.

Sec. 72. Minnesota Statutes 1978, Section 179.74, Subdivision 5, is amended to read:

Subd. 5. The commissioner of personnel is authorized to and may enter into agreements. The provisions of ~~said the negotiated agreements which establish wages and economic fringe benefits and arbitration awards~~ shall be submitted to the legislature to be accepted, or rejected or modified. A state employee whose exclusive representative, as defined by section 179.63, subdivision 6, has not ~~executed an~~ reached a proposed agreement with the state ~~covering wages and economic fringe benefits which has been submitted by the commissioner to the legislative commission on employee relations~~ on or before May April 15 of each an odd numbered year, shall not receive the wage and economic fringe benefit increases provided pursuant to an agreement executed and approved under this subdivision. *Disapproval by the legislative commission on employee relations pursuant to section 2 or failure of the legislature to approve an agreement with respect to wages and economic fringe benefits by the time of adjournment of the regular legislative session in an odd numbered year shall be a defense to a violation of section 179.64.*

Sec. 73. Minnesota Statutes 1978, Section 223.02, is amended to read:

223.02 [LICENSE; BOND.] No person shall sell, or receive, or solicit shipments of such commodities for sale, without first obtaining a license from the department of ~~public service agriculture~~ to carry on the business of a commission merchant, and filing with the department a corporate surety bond to the state for the benefit of such consignors, approved by the department, and conditioned for the faithful discharge of his duties as such commission merchant and full compliance with all the laws of the state and rules of the department relative thereto. If the license authorizes the sale of grain the bond shall not be for a less sum than \$25,000 for each separate municipality in which the commission merchant maintains an office for the conduct of such business. If the license only authorizes the sale of hay and straw the bond shall be not less than \$8,000. In either case the department may at any time require such an additional amount of bond as it may deem necessary to protect the consignors.

Sec. 74. Minnesota Statutes 1978, Section 229.01, Subdivision 2, is amended to read:

Subd. 2. [PUBLIC HAY TRACKS.] The department of *public service agriculture* shall designate at convenient places on the several lines of railway entering terminal points in this state, tracks to be known as public hay tracks. The different railway companies either separately or jointly are hereby required to provide suitable tracks to meet the requirements of this chapter. Such public hay tracks may be established on each individual line of railway, or they may be so established as to serve for two or more railways.

Sec. 75. Minnesota Statutes 1978, Section 229.07, is amended to read:

229.07 [WEIGHERS AND INSPECTORS; APPEALS; REINSPECTION AND FINAL REVIEW.] The department of *public service agriculture* shall appoint a suitable number of persons to perform such weighing and inspecting of hay and straw. Such weighers and inspectors shall be under the immediate supervision of the department. In case of dissatisfaction of any interested person with the official acts of any inspector, reinspection may be had upon application to the department. A final appeal from the decision of the department may be made to the board of final review, to be provided for by the department under the rules it shall establish. The decision of such board of review shall be final, provided the department may provide suitable rules for the cancellation of any certificate of inspection issued upon original inspection, reinspection or upon final review when it appears that owing to the manner in which cars of hay or straw were loaded it was impossible for the inspector to obtain a fair sample.

Sec. 76. Minnesota Statutes 1978, Section 231.01, Subdivision 1, is amended to read:

231.01 [DEFINITIONS.] Subdivision 1. [DEPARTMENT.] The word "department," as used in this chapter, means the Minnesota state department of *public service agriculture*.

Sec. 77. Minnesota Statutes 1978, Section 231.01, Subdivision 2, is amended to read:

Subd. 2. [COMMISSIONER.] The term "commissioner," as used in this chapter, means ~~one of the members of the commission~~ *commissioner of agriculture*.

Sec. 78. Minnesota Statutes 1978, Section 232.01, Subdivision 1, is amended to read:

232.01 [LOCAL GRAIN WAREHOUSES.] Subdivision 1. All elevators, flour, cereal and feed mills, malhousers or warehouses in which grain belonging to persons other than the warehouseman is received for storage, situate at any location other than Minneapolis, St. Paul or Duluth, shall be known as public local grain warehouses and shall be under the supervision and subject to the inspection of the department of *public service agriculture*. Provided, however, that nothing herein contained shall be construed as applying to public terminal warehouses as defined in section 233.01, subdivision 3.

Sec. 79. Minnesota Statutes 1978, Section 233.01, Subdivision 1, is amended to read:

233.01 [DEFINITIONS.] Subdivision 1. [DEPARTMENT.] Wherever the term "department" is used in this chapter it shall be construed to mean the department of *public service agriculture* of the state of Minnesota.

Sec. 80. Minnesota Statutes 1978, Section 233.03, is amended to read:

233.03 [DUTIES OF WAREHOUSEMEN.] Every warehouseman shall receive for storage and shipment as far as the capacity of his warehouse will permit, all grain in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. All grain shall be inspected on receipt and stored with other grain of the same grade except as herein otherwise provided. At the time of the receipt of the grain, the warehouseman shall issue and deliver to the owner or consignee a warehouse receipt in the following form:

Warehouse Receipt No.

..... Elevator Co.

....., Minn., 19.....

The Elevator Company has received in store in its elevator known as situated at

Minnesota, for storage from owner,

..... bushels of

..... which has been duly inspected by a duly authorized inspector of grain appointed by the department of *public service agriculture* of Minnesota, or licensed by the Secretary of Agriculture of the United States, and has been graded by the inspector as No..... and is that grade. This grain, or an equal amount of grain of the same kind and grade, is deliverable upon the return of this receipt properly endorsed by the owner above named and the payment of all lawful charges; in case of grain stored separately in a special bin, at the request of the owner or consignee, the identity of such grain will be preserved while in store and the grain will be delivered as such separate lot or parcel, in accordance with the law, upon surrender of the receipt. Loss by fire, heating or the elements is at the owner's risk.

Countersigned by

.....

Secretary

The Elevator Company conducts this elevator as a public terminal warehouse and receives and stores therein grain of others for hire.

..... bushels grade.

By.....

STUB RECORD

Initial Car No. Bushels

Receipt No. 19.

Received in store from

Bushels.	Lbs.	Grade.
Car No.	Bushels	Car No.
		Bushels

The receipts shall be consecutively numbered and delivered to the owner immediately upon receipt of each lot or parcel of grain, giving the true and correct grade and weight thereof. The manner of receipt of such grain shall be stated in the receipt, and with the number and distinctive mark of each car, and the name of each barge or other vessel. The failure to issue such receipt as directed or the issuance of any warehouse receipt differing in form or language from that prescribed shall be a misdemeanor; provided that such warehouse receipt at the request of the owner or consignee, may provide for delivery of the grain represented thereby to the depositor, or any other specified person, and may have printed or stamped thereon the words "non-negotiable."

Sec. 81. Minnesota Statutes 1978, Section 234.02, is amended to read:

234.02 [CONSTRUCTION OF TERMS.] As used in this chapter, unless the context clearly evidences a contrary intention, the following terms shall be construed, respectively:

(1) Any local supervisory board of individual producers appointed by the department of ~~public service~~ *agriculture* under the provisions of this chapter;

(2) Any person whose duty it shall be under the provisions of this chapter to inspect, measure, and seal any granary, crib, bin, or other receptacle for the storage of grain;

(3) Any certificate or receipt evidencing the storage of grain under the provisions of this chapter and any rules or regulations promulgated thereunder shall be considered to be used herein in the same connection as the words "document of title," as defined in the uniform commercial code, section 336.1-201(15);

(4) Any person or persons (whether individuals, corporations, partners or copartners) who shall have title to and possession of any grain stored under the provisions of this chapter shall be construed to have been used herein in the same connection as the word "warehouseman," as defined in the uniform commercial code, section 336.7-102(1) (h).

Sec. 82. Minnesota Statutes 1978, Section 234.10, is amended to read:

234.10 [SEALS.] Seals employed hereunder shall be furnished by the department and shall contain the following language:

"Sealed by authority State of Minnesota, Department of ~~Public Service~~ *Agriculture*.

Any person tampering with this seal or removing any grain herein shall be subject to a fine and imprisonment as provided by law.

Consecutive No.”

Sec. 83. Minnesota Statutes 1978, Section 235.01, is amended to read:

235.01 [SUPERVISION OVER GRAIN.] The department of ~~public service agriculture~~ shall exercise general supervision over the grain interests of the state and of buying, selling, handling, and storage of grain, and of the management of public warehouses and public grain markets, including chambers of commerce, boards of trade, and grain exchanges; investigate, on complaint or upon its own motion, all cases of fraud and injustice in the grain trade, unfair practices, or unfair discrimination in the buying or selling of grain; have the power to compel the discontinuance of such unfair practices or unfair discrimination; and make all proper rules and regulations for carrying out and enforcing the provisions of all laws of the state relating to such subjects.

Sec. 84. Minnesota Statutes 1978, Section 236.01, Subdivision 5, is amended to read:

Subd. 5. “Department” means the Minnesota department of ~~public service agriculture~~.

Sec. 85. Minnesota Statutes 1978, Section 299D.03, Subdivision 2, is amended to read:

Subd. 2. [SALARIES.] (1) Each employee other than the chief supervisor, lieutenant colonel, majors, captains, corporals and sergeants hereinafter designated shall be known as patrol troopers.

(2) There may be appointed one lieutenant colonel; and such majors, captains, corporals, sergeants and troopers as the commissioner deems necessary to carry out the duties and functions of the highway patrol. Persons in above named positions shall be appointed by law and have such duties as the commissioner may direct and, except for troopers, shall be selected from the patrol troopers, corporals, sergeants, captains, and majors who shall have had at least five years’ experience as either patrol troopers, corporals, sergeants, or supervisors.

(3) Commencing ~~July 4, 1977~~ July 4, 1979, the salaries for all members of the highway patrol, except for the chief supervisor and the lieutenant colonel shall be as shown in the following table:

TOTAL YEARS OF SERVICE					
	Base Salary	6 Months	1 Year	2 Years	3 Years
Trooper	\$1075	1117	1163	1209	1257
	\$1157	1199	1295	1343	1404

TOTAL YEARS OF SERVICE—CONTINUED

	4 thru 6 Years	7 thru 11 Years	12 thru 20 Years	After 20 Years		
Trooper	\$1308 \$1474	1359 1528	1413 1585	1470 1646		
	5 thru 11 Years	12 thru 20 Years	After 20 Years			
Trooper I	\$1359 \$1528	1413 1585	1470 1646			
		10 thru 20 Years	After 20 Years			
Corporal		\$1438 \$1610	1495 1670			
Staff Sergeant	Years					
7	8	9	10	11	12 thru 20	After 20
\$1442	1471	1500	1531	1561	1590	1648
\$1616	1646	1677	1710	1742	1773	1834

TIME IN RANK

	Base Salary	1 Year	2 Years	After 12 Years total Service	After 20 Years total Service
Captain	\$1720 \$1911	1778 1971	1835 2032	1892 2091	1945 2149
Major	1979 2184	2035 2245		2093 2305	2150 2366
Lt. Col.	2179	2236		2294	2350

Commencing July 2, 1980, the salaries for all members of the highway patrol, except for the chief supervisor and the lieutenant colonel shall be as shown in the following table:

TOTAL YEARS OF SERVICE

	Base Salary	6 Months	1 Year	2 Years	3 Years	
Trooper	\$1227	1270	1373	1423	1488	
	4 thru 6 Years	7 thru 11 Years	12 thru 20 Years	After 20 Years		
Trooper	\$1563	1620	1681	1745		
	5 thru 11 Years	12 thru 20 Years	After 20 Years			
Trooper 1	\$1620	1681	1745			
		10 thru 20 Years	After 20 Years			
Corporal		\$1707	1771			
Staff Sergeant			Years			
7	8	9	10	11	12 thru 20	After 20
\$1714	1745	1778	1813	1846	1879	1944

TIME IN RANK

	Base Salary	1 Year	2 Years	After 12 Years Total Service	After 20 Years Total Service
Captain	\$2025	2090	2154	2217	2278
Major	\$2314	2379		2445	2509

Employees designated as station sergeants shall receive an additional three percent above the current rate rounded to the nearest dollar for the duration of the appointment. Employees permanently assigned exclusively to Twin City metropolitan freeway duty shall be designated freeway troopers and shall be compensated \$25 per month above their current salary when so assigned. Salary increases in accordance with the above schedule shall become effective for the payroll period nearest the employee's anniversary date of employment.

In addition to the rates of pay provided above, all employees compensated according to the above salary table shall be paid a cost of living allowance to be determined and redetermined in the following manner:

For each full four-tenths point increase in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, Minnesota (new series index 1967-100) as published for the months January, 1977, and October, 1977, by the Bureau of Labor Statistics of the United States Department of Labor all hourly rates of pay shall be increased by one cent per hour. The increases, if any, in salaries generated by this formula shall become effective January 4, 1978, and shall continue in effect until July 5, 1978. A redetermination of the cost of living allowance shall be made for April, 1978. For each full four-tenths point increase in the consumer price index for urban wage earners and clerical workers for Minneapolis-St. Paul, (new series index 1967-100) as published for the months of January, 1977, and April, 1978, by the Bureau of Labor Statistics, all hourly rates of pay shall be increased by one cent per hour. The increase, if any, in salaries generated by this redetermination shall be effective July 5, 1978. For the purpose of this clause, the term "hourly rate of pay" means the monthly salary of a rank set forth herein divided by 174.

During periods when such cost of living allowance is in effect, it shall be added to the applicable monthly rates of pay for highway patrol trooper, corporal, sergeant, captain, major and lieutenant colonel, and treated as a part thereof in all calculations involving employees' pay. Cost of living adjustments are not cumulative and allowances paid under an earlier determination shall cease when a redetermination takes effect.

The commissioner of finance shall transfer to the department of public safety the necessary amount to finance the increased cost of the cost of living provisions of this clause. This amount is appropriated from the trunk highway fund to the department of public safety for this purpose.

(4) Upon promotion, the person will be paid at the base salary rate of pay in effect for that rank, and shall subsequently be eligible for the time in rank increases calculated from the effective date of promotion.

(5) Any time in rank increases in salary provided for in the tables in clause (3), shall be effective for the payroll period nearest the employee's anniversary date of employment.

The salary rates for all highway patrol troopers, corporals and sergeants as cited in clause (3) shall be deemed to include reimbursement for shift differential, meal and business expenses incurred by highway patrol troopers, corporals and sergeants in the performance of their assigned duties in their patrol areas; business expenses include, but are not limited to: uniform costs, home garaging of squad cars and maintenance of home office.

Sec. 86. Minnesota Statutes 1978, Section 299D.03, Subdivision 3, is amended to read:

Subd. 3. [AIR PATROL; SALARY ADJUSTMENT.] The commissioner of public safety shall increase the salary of any member of the Minnesota highway patrol in an amount not to exceed \$140 per month for operation of fixed wing aircraft and \$175 per month for operation of helicopter during the period in which such member of the patrol is assigned air patrol duty. The commissioner of public safety may appoint, from among the members of the patrol assigned to air patrol duty, a chief pilot who shall receive \$125 per month in addition to the air patrol duty salary differential permitted by this subdivision, *be compensated at the same rate of pay as a captain during the period of his assignment as chief pilot.*

Sec. 87. Minnesota Statutes 1978, Section 299D.03, Subdivision 9, is amended to read:

Subd. 9. [CHARGES AGAINST PATROLMEN.] (a) Charges against any state highway patrolman shall be made in writing and signed and sworn to by the person making the same, which written charges shall be filed with the commissioner. Upon the filing of same, if the commissioner shall be of the opinion that such charges constitute a ground for suspension, demotion, or discharge, he shall order a hearing to be had thereon and fix a time for such hearing and may designate a subordinate as his deputy to conduct such hearing. Otherwise he shall dismiss the charges. At least ten days before the time appointed for the hearing, written notice specifying the charges filed and stating the name of the person making the charges, shall be served on the employee personally or by leaving a copy thereof at his usual place of abode with some person of suitable age and discretion then residing therein. If the commissioner orders a hearing he may suspend such employee pending his decision to be made after such hearing.

(b) The exclusive representative of Members of the state highway patrol shall have the option of utilizing either the contractual grievance procedure or the legal remedies of this section, but in no event both. ~~Notwithstanding the above, any employee may utilize the provisions of subdivisions 10 and 11.~~

(c) The commissioner, after having been informed by the exclusive representative that the employee against whom charges have been filed desires to utilize the grievance procedure of the labor agreement, may immediately suspend, demote or discharge the employee without the hearing required by clause (a).

Sec. 88. Minnesota Statutes 1978, Section 355.12, is amended to read:

355.12 [AGREEMENTS.] The state agency, ~~with the approval of the governor,~~ is hereby authorized to enter into an agreement with the secretary of health, education, and welfare, or to modify any such agreement previously made to obtain the benefits of the federal old age survivors insurance system in respect to services performed by employees of any employing unit.

Sec. 89. Minnesota Statutes 1978, Section 355.17, is amended to read:

355.17 [MODIFICATION OF AGREEMENT, RETROACTIVE EFFECT.] Employing units may individually determine whether they desire inclusion in the state social security agreement, and each employing unit desiring such inclusion shall so indicate by submitting a formal resolution to the state agency, including therein the desired starting date for social security coverage. The state agency, ~~with the approval of the governor,~~ may modify the agreement between the state and the secretary of health, education and welfare with respect to employees of any such employing unit, separately, so as to provide social security coverage therefor retroactive to any date subsequent to December 31, 1955.

Sec. 90. Minnesota Statutes 1978, Section 355.207, is amended to read:

355.207 [AGREEMENTS WITH FEDERAL AGENCY.] Upon the governor's certification pursuant to section 355.206, the state agency, ~~with the approval of the governor,~~ shall be authorized after June 30, 1978, to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to teachers. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 91. Minnesota Statutes 1978, Section 355.23, Subdivision 3, is amended to read:

Subd. 3. Upon such certification, the state agency, ~~with the approval of the governor,~~ shall become authorized to modify the agreement with the secretary of health, education and welfare, previously made as provided in the enabling act, to obtain the benefits of the federal old age and survivors insurance system in respect to services performed by teachers as defined in sections 355.21 to 355.27. Such modification may take effect retroactively to January 1 of the year in which the modification of the agreement is accepted by the secretary of health, education and welfare, and apply to all such services performed after the effective date by teachers who are such on the date the modification is entered

into or thereafter, excepting any service of an emergency nature, any service performed by a student, and all services in any class or classes of part-time positions, or positions the compensation for which is on a fee basis.

Sec. 92. Minnesota Statutes 1978, Section 355.286, is amended to read:

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

Sec. 93. Minnesota Statutes 1978, Section 355.295, is amended to read:

355.295 [STATE-FEDERAL AGREEMENT.] Upon such certification as provided herein the state agency ~~or individual so designated with the approval of the governor~~ shall be authorized to enter into an agreement with the secretary of health, education and welfare or modify any such agreement previously made with respect to the employment by public employees. The agreement or modification authorized hereunder shall take effect retroactively and apply to all employment performed after the last day of the fifth calendar year preceding the year in which the agreement or modification is entered into by the employees who are such on the effective date of the agreement or modification. The agreement or modification shall further include within its application, effective with the date of entry into service as public employees, all employment of such public employees on the date of and subsequent to the approval of the agreement or modification as well as those who are such on the effective date thereof.

The agreement shall not include employment of any public employee who performs service in (a) any position the compensation for which is on a fee basis, (b) any position performing services which, under the social security act, may not be included in any agreement between the state and secretary of health, education and welfare, (c) any position which is an elective office of the state, and (d) any position in a public hospital for which employees are provided coverage under the old age, survivors, and disability insurance provisions of Title II of the Federal Social Security Act under another provision of law. This section applies only to hospitals in existence prior to July 1, 1971.

Sec. 94. Minnesota Statutes 1978, Section 355.308, is amended to read:

355.308 [AGREEMENTS WITH FEDERAL AGENCY.] Upon the governor's certification pursuant to section 355.307, the state agency, ~~with the approval of the governor,~~ shall be authorized after June 30, 1978, to enter into an agreement with the secretary of

health, education, and welfare, or modify any such agreement previously made with respect to municipal employees. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 95. Minnesota Statutes 1978, Section 355.45, is amended to read:

355.45 [STATE AGENCY TO MAKE AGREEMENT WITH SECRETARY OF HEALTH, EDUCATION AND WELFARE.] Upon such certification the state agency, ~~with the approval of the governor,~~ shall be authorized to enter into an agreement with the secretary of health, education and welfare, or modify any such agreement previously made with respect to employment by state employees, public employees, and educational employees. The agreement or modifications shall take effect retroactively and apply to all such employment performed after December 31, 1955, by the employees who are such on that date, and shall include within its application effective with the date of entry into state, public or educational service, all employment by such employees on the date of and subsequent to the approval of the agreement or modification as well as those who are such on the approval date thereof.

Sec. 96. Minnesota Statutes 1978, Section 355.60, is amended to read:

355.60 [AGREEMENTS WITH FEDERAL AGENCY.] Upon such certification the state agency, ~~with the approval of the governor,~~ shall be authorized to enter into an agreement with the secretary of health, education, and welfare, or modify any such agreement previously made with respect to employment by educational employees. The agreement or modification shall contain such terms and provisions authorized by the social security act and the enabling act as the state agency finds proper.

Sec. 97. Minnesota Statutes 1978, Section 355.76, is amended to read:

355.76 [STATE-FEDERAL AGREEMENT.] Upon such certification the state agency ~~or individual so designated, with the approval of the governor,~~ shall be authorized to enter into an agreement with the secretary of health, education, and welfare or modify any such agreement previously made with respect to the employment by state employees, public employees, and educational employees. The agreement or modification authorized hereunder shall take effect retroactively and apply to all employment performed after December 31 of the year prior to the date of the agreement or modification, by the employees who are such on that date and shall include within its application, effective with the date of entry into service as a hospital employee, all employment by such hospital employees on the date of and subsequent to the approval of the agreement or modification as well as those who are such on the approval date thereof. The agreement under sections 355.71 to 355.81 shall not apply to services in positions the compensation for which is on a fee basis."

Page 21, after line 6, insert:

"Sec. 99. Employees who are represented by the international union of operating engineers, local No. 49, and who are employed by the department of transportation and assigned to the central office and districts 5 and 9, shall, in addition to the salaries provided by Minnesota Statutes, Section 43.12, receive a supplemental adjustment of 12 cents per hour.

Sec. 100. The one percent differential established by Laws 1977, Chapter 452, Section 30, for the classes crime laboratory analyst 1, 2, and 3 and identification officer shall continue in effect for the period July 4, 1979, to July 1, 1981.

Notwithstanding Minnesota Statutes, Section 43.12, Subdivision 14, effective July 2, 1980, one additional step shall be added to the salary ranges for the classes crime laboratory analyst 2 and 3 and identification officer. An employee assigned to one of those classes shall be advanced in pay from his rate of pay immediately preceding that date to the next step within the salary range for his classification. The salary increases provided by this section are in addition to the salaries provided by Minnesota Statutes, Section 43.12.

Sec. 101. In lieu of a birthday holiday, employees in the classes crime investigator 1 and 2, crime laboratory analyst 1, 2, and 3, assistant identification officer and identification officer, and employees represented by the Minnesota government engineers council shall receive a one time lump sum payment in an amount equal to the employee's regular hourly rate of pay on July 4, 1979 times 16 hours.

Sec. 102. The commissioner of public safety is authorized to reimburse employees covered by the agreement with the bureau of criminal apprehension association of forensic scientists up to a maximum of \$100 a year for professional dues for job related organizations.

Sec. 103. Employees who are represented by the Minnesota teamsters public and law enforcement employees union, local No. 320, and who are employed by the department of administration, or by the department of public safety in the classes security guard, law compliance representative 1, or liquor control investigator specialist and headquartered in the Minneapolis-St. Paul metropolitan area, Rochester and Duluth, or by the state board for community colleges in the classes general maintenance worker or general repair worker and assigned to Anoka-Ramsey, Inver Hills, Lakewood, Metropolitan, Normandale or North Hennepin community college shall receive, in addition to the salaries provided by, Minnesota Statutes, Section 43.12, a supplemental travel allowance of \$20 per month. The commissioner of personnel may extend the supplemental travel allowance of \$20 per month to employees who are employed by the department of transportation in the class right-of-way agent and assigned to the central office and districts 1a, 5, 6a and 9.

Sec. 104. *In lieu of the salaries provided by Minnesota Statutes, Section 43.12, Subdivisions 2 and 3, employees of the department of public safety, bureau of criminal apprehension, who are represented by the bureau of criminal apprehension agents association shall receive the following salary increases:*

(1) Effective July 4, 1979, the salary rates and ranges for the classes crime investigators 1 and 2 shall be increased 5.3 percent over the salary rates and ranges in effect on July 3, 1979.

(2) Effective July 2, 1980, the salary rates and ranges for the classes crime investigator 1 and 2 shall be increased 3.8 percent over the salary rates and ranges in effect on July 1, 1980.

Sec. 105. *In lieu of the salaries and cost of living adjustments provided by Minnesota Statutes, Section 43.12, Subdivisions 2, 3, and 10, employees of the departments of corrections and public welfare who are represented by the professional employee pharmacists of Minnesota shall receive the following salary increases:*

(1) Effective July 4, 1979, the salary rates and ranges for the classes hospital pharmacist and hospital pharmacist senior shall be increased by 6.5 percent over the salary rates and ranges in effect on July 3, 1979.

(2) Effective July 2, 1980, the salary rates and ranges for the classes hospital pharmacist and hospital pharmacist senior shall be increased by 5 percent over the salary rates and ranges in effect on July 1, 1980.

Sec. 106. *In lieu of the salaries provided by Minnesota Statutes, Section 43.12, Subdivisions 2 and 3, employees of the department of transportation who are represented by the middle management association shall receive the following salary increases:*

(1) Effective July 4, 1979, the salary rates and ranges for covered employees shall be increased by 13 percent over the salary rates and ranges in effect on July 7, 1977.

(2) Effective July 2, 1980, the salary rates and ranges for covered employees shall be increased 4.4 percent over the salary rates and ranges in effect on July 1, 1980.

Sec. 107. *Notwithstanding the provisions of Minnesota Statutes, Section 43.50, for employees of the department of transportation who are represented by the middle management association, the department of transportation shall pay the full cost of dependent hospital-medical insurance coverage up to \$60 per month or the cost of the Blue Cross/Blue Shield premium attributable to dependent coverage, whichever is greater.*

Sec. 108. *In lieu of the salaries provided by Minnesota Statutes, Section 43.12, Subdivisions 2 and 3, employees of the department of natural resources who are represented by the Minnesota conservation officers association shall receive the following salary increases:*

(1) Effective July 4, 1979, the salary rates and ranges for the classes natural resources specialist (conservation officer) 1,

2, 3, and 4 shall be increased 13 percent over the salary rates and ranges in effect on July 7, 1977.

(2) Effective July 2, 1980, the salary rates and ranges for the classes natural resources specialist (conservation officer) 1, 2, 3, and 4 shall be increased 4.4 percent over the rates and ranges in effect on July 1, 1980.

(3) In addition to the adjustments made by paragraphs (1) and (2), each covered employee shall receive an increase of seven cents per hour in lieu of a birthday holiday. The seven cents per hour shall not be included in the wage rate base for purposes of determining the 4.4 percent increase effective July 2, 1980.

(4) Vehicles purchased by the state for the official use of conservation officers shall be equipped pursuant to the terms of the agreement. Officers shall be supplied with flak jackets pursuant to the terms of the agreement.

Sec. 109. In lieu of the salaries provided by Minnesota Statutes, Section 43.12, Subdivisions 2 and 3, effective July 4, 1979, employees of the department of public welfare who are represented by the Minnesota nurses association shall receive the following salary increases:

(1) Covered employees who were paid at a rate of \$1,014 or \$1,051 per month on July 3, 1979 shall be paid at a rate of \$1,133 per month.

(2) The salary rates and ranges for all other covered employees shall be increased by six percent over the salary rates and ranges in effect on July 3, 1979.

In lieu of a birthday holiday covered employees shall receive one floating holiday per year.

Sec. 110. Employees who are represented by the Minnesota government engineers council and who are employed by the department of transportation in the classes radio engineer I, principal highway technician and principal engineering aide shall receive, in addition to the salaries provided by Minnesota Statutes, Section 43.12, a one time lump sum payment of \$438.

Sec. 111. Notwithstanding the provisions of Minnesota Statutes, Section 43.12, Subdivision 17, the severance pay provisions of the collective bargaining agreements with the Minnesota community college faculty association, the IFO/MEA, the Minnesota State University Association of Administrative and Service Faculty/Teamsters, the Minnesota highway patrol officers association and the Minnesota highway patrol supervisors association are approved.

Sec. 112. The commissioner of transportation is authorized to reimburse employees covered by the agreement with the Minnesota government engineers council up to a maximum of \$50 a year for professional dues for job related organizations.

Sec. 113. Effective July 2, 1980, employees of the departments of welfare and corrections who are represented by the association

of institutional dentists shall receive, in addition to the salaries provided by Minnesota Statutes, Section 43.12, a 35 cent per hour differential.

Sec. 114. Employees of the department of corrections who are represented by the Minnesota teamsters public and law enforcement employees, local No. 320, shall receive, in addition to the salaries and differentials provided by Minnesota Statutes, Section 43.12, the following salary adjustment:

(1) Employees in the classes correctional counselor 1, 2 and 3, shall receive a 6 cent per hour differential.

(2) Employees in the classes electrician, painter and plant maintenance engineer shall receive a 10 cent per hour differential.

(3) Effective July 2, 1980, the hourly rate of pay for employees in the classes delivery van driver and janitor, senior shall be increased by 2½ percent, rounded to the nearest cent.

(4) These employees shall receive the same bonus as that provided for in section 115.

Sec. 115. Any employee except an emergency, project or temporary employee who is represented by the American federation of state, county and municipal employees, Council No. 6, AFL-CIO, shall receive:

(1) a lump sum bonus of \$225 payable no later than July 31, 1979, provided he was employed prior to January 1, 1979 and was continuously employed through July 1, 1979.

(2) a lump sum bonus of \$225 payable no later than July 31, 1980, provided he was employed prior to January 1, 1980 and was continuously employed through July 1, 1980. However, intermittent employees and nontenured laborers who otherwise meet the employment requirements of this section shall only be eligible to receive the bonus after completion of 100 working days in any 12 month period. Part time employees who meet the employment requirements of this section shall receive a bonus of \$137.50 on each of the dates specified in this section."

Page 21, after line 11, insert:

"Sec. 117. Notwithstanding the provisions of section 179.74, subdivision 5, a state employee whose exclusive representative, as defined by section 179.63, subdivision 6, was unable to enter into an agreement with the state covering wages and economic fringe benefits on or before May 15, 1979, as a result of an order to cease and desist bargaining issued by the director of mediation services, shall receive the applicable wage and economic fringe benefit increases provided by this act.

Sec. 118. The duties, personnel complement of six persons, and appropriation involved in discharging the duties of the department of public service under Minnesota Statutes, Chapters 223, 229, 231, 232, 233, 234, 235, and 236 are transferred to the department of agriculture as of July 1, 1979. Nothing herein shall be construed

as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement between an exclusive representative of public employees and the state or one of its appointing authorities.

Sec. 119. [PERSONNEL SYSTEM STUDY; APPROPRIATION.] *There is appropriated to the legislative commission on employee relations the sum of \$100,000 for the period ending July 1, 1981, to be used for a study of the state personnel system. A primary focus of the study will be the interrelationship of the civil service system with the public employment labor relations act, as that act applies to state employees. The goal of the study will be the preparation of a report for the legislature containing alternative recommendations by which improvements could be made in applicable laws, rules, structures and procedures. Specific areas to be studied include, but are not necessarily limited to, bargaining procedures, compensation, classification, work force size and turnover, and personnel administration. In performing this study, attention shall be given to methods for preserving and strengthening the role for collective bargaining in the system. Consideration shall also be given to past reports and studies dealing with the state's personnel system and to innovative improvements made in civil service systems by the federal government and other states. The study shall also examine state laws with respect to local civil service systems and local public employee labor negotiations.*

The commission shall study and report to the legislature, on or before November 15, 1980, as to its recommendations, including proposed legislation, with respect to (1) merit pay system, progression, and cost of living adjustments for state employees and (2) a mechanism for transferring the duty to negotiate with state employees on behalf of the state from the department of personnel to an independent office of state employee contract negotiations.

To the extent practicable, use shall be made of existing legislative staff and other resources. In the performance of this study, there shall be frequent consultation with persons and groups involved with or directly affected by the state civil service system. The heads of state agencies shall give their full cooperation in the performance of this study.

The final report of the study, together with any proposed statutory amendments, shall be submitted to the commission no later than November 15, 1980. Any recommendations of the study which will substantially affect the collective bargaining process leading to the 1981-1982 biennium shall be submitted no later than December 1, 1979.

Sec. 120. [UNCLASSIFIED SERVICE.] *The salary levels and ranges established in sections 15A.081, 15A.083, subdivisions 1, 2, and 4, and 43.126, subdivision 1 shall be increased by five percent on July 1, 1979. The adjusted salaries shall be increased by an additional seven percent on July 1, 1980. All increases shall be rounded off to the nearest \$10.*

Sec. 121. [REPEALER.] *Effective July 1, 1981, Minnesota Statutes 1978, Sections 43.03; 43.06; 43.062; 43.063; 43.064; 43.-*

065; 43.067; 43.068; 43.069; 43.07; 43.09; 43.111; 43.12; 43.121; 43.122; 43.126; 43.127; 43.128; 43.13; 43.14; 43.162; 43.17; 43.18; 43.19; 43.20; 43.21; 43.22; 43.222; 43.223; 43.224; 43.23; 43.24; 43.245; 43.321; 43.322; 43.323; 43.324; 43.326; 43.327; 43.33; 43.44; 43.45; 43.46; 43.48; 43.49; 43.50; and 43.51 are repealed. Section 73 of this act and section 179.72, subdivision 8, expire on July 1, 1981. Minnesota Statutes 1978, Section 179.72, Subdivision 1a, is repealed effective July 1, 1980.

Sec. 122. [APPROPRIATION.] Subdivision 1. There is appropriated to the legislative commission on employee relations the sum of \$..... for the period ending July 1, 1981, to be used for its general operating purposes.

Subd. 2. There is appropriated to the public employee relations board the sum of \$..... for the fiscal year beginning July 1, 1980."

Page 21, line 12, after "DATE.]" insert "Sections 2, 4, 8, 42, 47, 49, 56, 59, 60, 63, 64, 71 and 119 are effective upon final enactment. Sections 9, 61, 62, 65, 66, 68, 69, 70 and 72 are effective July 1, 1980. Sections 3, 5, 6 and 7 are effective July 1, 1981. The remaining provisions of" and delete "The Act is" and insert "this act are"

Page 21, line 13, after the period, insert "The changed jurisdiction of the board over unfair labor practices shall commence on July 1, 1980 and shall extend to all actions occurring on or after that date. The terms of all members of the board on the effective date of this act shall expire on July 1, 1980 and the terms of the new members appointed under section 70 shall commence on July 1, 1980. The salaries set forth in section 15A.081, subdivision 1 for members of the board shall not apply until July 1, 1980. The provisions of section 49 shall apply to all disciplinary actions taken on or after the effective date of section 31. The provisions of sections 99 to 117 shall expire on July 1, 1981. The provisions of section 115, clause (4) are rejected by the legislature and shall not be implemented."

Renumber the sections in sequence

Amend the title as follows:

Delete the title in its entirety and insert

"A bill for an act relating to state government; setting wage and fringe benefits to employees in the executive and judicial branches of state government; ratifying certain collective bargaining agreements; making changes in the state civil service and personnel laws; making changes in public employment labor relations law; changing the duties of the public employment relations board; creating a legislative commission on employee relations; providing for a study of state employment and labor relations practices; providing for attrition in state funded personnel positions; transferring certain duties from the public service commission to the department of agriculture; appropriating money; amending Minnesota Statutes 1978, Sections 15.041, Subdivision 2; 15A.081, Subdivision 1; 15A.13; 16A.123; 43.01, Subdivisions 10, 11, 14 and by adding a subdivision; 43.05, Subdivision 2;

43.055; 43.064; 43.067, Subdivision 3; 43.09, Subdivisions 2 and 2a; 43.12, Subdivisions 2, 3, 5, 6, 7, 8, 8a, 10, 12, 14, 15, 16, 17, 23, 24, 25 and by adding subdivisions; 43.122, Subdivision 5; 43.127, Subdivision 6; 43.15, Subdivision 5; 43.17, Subdivisions 3 and 4a; 43.19; 43.20, Subdivisions 3 and 5; 43.227; 43.24; 43.32, Subdivision 4; 43.327, Subdivisions 2 and 3; 43.43, by adding a subdivision; 43.44, Subdivision 2; 43.47, Subdivision 2; 43.491, Subdivision 5; 43.50, Subdivision 1; 43.51; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.64, Subdivisions 5 and 7; 179.65, Subdivision 6; 179.66, Subdivision 1; 179.67, Subdivisions 3, 13 and by adding a subdivision; 179.68, Subdivision 1; 179.72; 179.74, Subdivisions 4 and 5; 223.02; 229.01, Subdivision 2; 229.07; 231.01, Subdivisions 1 and 2; 232.01, Subdivision 1; 233.01, Subdivision 1; 233.03; 234.02; 234.10; 235.01; 236.01, Subdivision 5; 299D.03, Subdivisions 2, 3 and 9; 355.12; 355.17; 355.207; 355.23, Subdivision 3; 355.286; 355.295; 355.308; 355.45; 355.60; 355.76; 645.44, Subdivision 5; Chapter 3, by adding a section; and Chapter 179, by adding a section; repealing Minnesota Statutes 1978, Sections 43.03; 43.06; 43.062; 43.063; 43.064; 43.065; 43.067; 43.068; 43.069; 43.07; 43.09; 43.111; 43.12; 43.121; 43.122; 43.126; 43.127; 43.128; 43.13; 43.14; 43.162; 43.17; 43.18; 43.19; 43.20; 43.21; 43.22; 43.222; 43.223; 43.224; 43.23; 43.24; 43.245; 43.321; 43.322; 43.323; 43.324; 43.326; 43.327; 43.33; 43.44; 43.45; 43.46; 43.48; 43.49; 43.50; 43.51; and 179.72, Subdivision 1a."

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

Mr. Coleman moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 1:30 o'clock p.m., Thursday, May 17, 1979. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate