

### FIFTY-SIXTH DAY

St. Paul, Minnesota, Thursday, May 17, 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:

Ashbach	Dieterich	Knutson	Pillsbury	Staples
Bang	Dunn	Laufenburger	Purfeerst	Stokowski
Benedict	Frederick	Lessard	Rued	Strand
Bernhagen	Gearty	McCutcheon	Schmitz	Stumpf
Brataas	Gunderson	Merriam	Setzepfandt	Ueland, A.
Chmielewski	Hanson	Nichols	Sieloff	Vega
Coleman	Johnson	Olhoff	Sikorski	Wegener
Davies	Knaak	Penny	Sillers	

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

Prayer was offered by the Chaplain, Rev. George C. Stierwald.

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

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

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

Mr. Schrom was excused from the Session of today. Mr. Engler was excused from the Session of today until 2:30 o'clock p.m.

Mr. Kleinbaum was excused from the Session of today until 4:00 o'clock p.m. Mr. Menning was excused from the Session of today until 2:40 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.

Messrs. Luther, Willet, Spear and Ulland, J. introduced—

S. F. No. 1580: A bill for an act relating to solid waste pollution; requiring beverage containers to have certain refund values after a certain date; establishing and regulating local redemption centers; providing penalties.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Keefe, S. introduced—

S. F. No. 1581: A bill for an act relating to welfare; defining general assistance medical care; authorizing higher medical care payments for certain handicapped persons; establishing medical care assistance eligibility for persons with seasonal income; making various other changes in the general assistance program; amending Minnesota Statutes 1978, Sections 256D.01; 256D.02, Subdivisions 4, 10, 11, 12, and by adding a subdivision; 256D.03; 256D.04; 256D.05, Subdivision 1; 256D.06, Subdivision 1; 256D.07; 256D.08; 256D.09, Subdivision 1; 256D.11, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 256D.13, Subdivision 1; 256D.16; 256D.18, Subdivisions 2 and 4; repealing Minnesota Statutes 1978, Sections 256D.19; 256D.20; and 256D.21.

Referred to the Committee on Health, Welfare and Corrections.

Messrs. Dunn, Setzepfandt, Nelson, Engler and Penny introduced—

S. F. No. 1582: A bill for an act relating to agriculture; establishing a system for collection of disease incidence, morbidity and mortality; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

#### EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 17, 1979

The Honorable Edward J. Gearty  
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 276, 144, 1392, 708, 660 and 980.

Sincerely yours,  
Albert H. Quie, Governor

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 333.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 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. 808: A bill for an act relating to waters; redefining public waters; defining wetlands; providing new procedures for the determination of public waters and wetlands; reappropriating money; amending Minnesota Statutes 1978, Sections 105.37, by adding subdivisions; 105.38; 105.39, Subdivision 3; 105.391, Subdivisions 1 and 3, and by adding subdivisions; 105.392, Subdivisions 2 and 5; and 105.42, Subdivision 1; repealing Minnesota Statutes 1978, Sections 105.37, Subdivision 6; and 105.391, Subdivisions 2, and 4 to 8.

Senate File No. 808 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1979

Mr. Nichols moved that S. F. No. 808 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. 1047: A bill for an act relating to workers' compensation; providing for settlement of claims; amending Minnesota Statutes 1978, Section 176.521, Subdivisions 1 and 2.

Senate File No. 1047 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1979

Mr. Pillsbury moved that the Senate do not concur in the amendments by the House to S. F. No. 1047 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S. F. No. 1074: A bill for an act relating to elections; increasing compensation for presidential electors; amending Minnesota Statutes 1978, Section 204A.23.

Senate File No. 1074 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1979

Mr. Anderson moved that S. F. No. 1074 be laid on the table. The motion prevailed.

Mr. President:

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

S. F. No. 1510: A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative and judicial expenses of state government with certain conditions; providing for the transfer of certain moneys in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees to be collected in certain cases; amending Minnesota Statutes 1978, Sections 4.12, by adding a subdivision; 4.26, Subdivision 1; 10.31; 16.02, by adding a subdivision; 16.97, Subdivision 1; 16A.126; 43.067, Subdivision 1; 85A.02, Subdivision 12; 116E.03, Subdivision 4; 179.04; 180.03, Subdivision 2; 197.16; 198.31; 299C.07; 361.12, by adding a subdivision; 362.20; 362.40, Subdivisions 9, 10 and 11; 546.27; Chapters 86, by adding a section; and 299C, by adding a section.

Six members of the House have been appointed to such committee on the part of the House as follows: Anderson, D.; Laidig; Valan; Kahn; Voss and Norton.

Senate File No. 1510 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 16, 1979

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to the following House File:

H. F. No. 624: A bill for an act relating to counties; fixing the amounts that may be spent for Memorial Day observances; amending Minnesota Statutes 1978, Sections 375.34; and 375.35.

Four members of the House have been appointed to a Conference Committee on the part of the House as follows: Friedrich, Fritz, Osthoff and Kostohryz.

House File No. 624 is herewith transmitted to the Senate with the request that the Senate appoint a Conference Committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1979

Mrs. Brataas moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 624, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to the following House File:

H. F. No. 1329: A bill for an act relating to aeronautics; providing representation for affected communities on airport zoning boards; regulating the process of airport zoning; directing the metropolitan airports commission to consider a certain alternative; amending Minnesota Statutes 1978, Sections 360.061, Subdivision 3; 360.063, Subdivision 3; 360.065; and 473.608, by adding a subdivision.

Four members of the House have been appointed to a Conference Committee on the part of the House as follows: Lehto, McCarron, Valento and Stowell.

House File No. 1329 is herewith transmitted to the Senate with the request that the Senate appoint a Conference Committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 16, 1979

Mr. Solon moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1329, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution, herewith transmitted:

House Concurrent Resolution No. 7: A House concurrent resolution relating to the observance of Vietnam Veterans' Awareness Week.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 15, 1979

Mr. Chmielewski moved to amend House Concurrent Resolution No. 7 as follows:

Page 1, delete lines 4 to 20 and insert

"WHEREAS, Thousands of Minnesota men and women served our nation in the armed forces during the Vietnam conflict; and,

WHEREAS, Many gave their lives in battle, and many others returned with debilitating physical and psychic wounds; and,

WHEREAS, There is no question that Minnesota's Vietnam veterans served with great distinction, courage, and loyalty, and deserve our respect and gratitude for their patriotic efforts; and,

WHEREAS, It is imperative that every citizen be mindful of the great sacrifice these men and women have made for our country, and of the continuing significant contributions they make as civilians to our well-being; NOW,"

Page 2, delete lines 9 to 12

Renumber the paragraphs in sequence

The motion prevailed. So the amendment was adopted.

The question was taken on the adoption of the resolution, as amended.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution, as amended, was adopted.

#### MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the following change in the membership of the Conference Committee on Senate File No. 118:

The name of Pavlak has been deleted and the name of Rothenberg has been added.

Edward A. Burdick, Chief Clerk, House of Representatives  
May 16, 1979

**Mr. President:**

I have the honor to announce the following change in the membership of the Conference Committee on House File No. 444:

The name of Pavlak has been deleted and the name of Anderson, R., has been added.

Edward A. Burdick, Chief Clerk, House of Representatives  
May 16, 1979

**Mr. President:**

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 703, 1241 and 1467.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted May 16, 1979

#### **FIRST READING OF HOUSE BILLS**

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

H. F. No. 703: A bill for an act relating to accountancy; providing for licensing of public accountants; prohibiting certain practices; appropriating money; providing penalties; amending Minnesota Statutes 1978, Sections 326.17; 326.18; 326.20, Subdivisions 1 and 2; and Chapter 326, by adding sections.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 776, now in the Subcommittee on Bill Scheduling.

H. F. No. 1241: A bill for an act relating to natural resources; reducing local match required for dam repair and reconstruction grants; authorizing loans for local share of project costs; authorizing sale of bonds for loan program; appropriating money; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 3 and 5, and by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1109 now on Special Orders.

H. F. No. 1467: A bill for an act relating to state employees; providing for wage and fringe benefits for certain state employees; ratifying collective bargaining agreements; 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.

Referred to the Committee on Rules and Administration.

#### REPORTS OF COMMITTEES

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

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

H. F. No. 1465: A bill for an act relating to taxation; extending the time for claiming credits against the tax on taconite and iron sulphides; amending Minnesota Statutes 1978, Section 298.24, Subdivision 3.

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 referred

S. F. No. 1234: A bill for an act relating to taxation; providing that property tax exemption allowed for pollution control property shall not apply to solid waste disposal sites; amending Minnesota Statutes 1978, Section 272.02, Subdivision 1.

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. 1141: A bill for an act relating to hearing impaired persons; establishing regional service centers and advisory committees; establishing a statewide interpreter referral service; providing for a program of training and employment; prescribing duties for the commissioner of public welfare; establishing an office on hearing impairment; providing for an advisory committee for the state council for the handicapped; prescribing duties for the department of health; providing for a study by the state planning agency; appropriating money.

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

Page 1, line 20, delete "employment" and insert "occupational"

Page 1, line 25, delete "11" and insert "10"

Page 2, line 2, delete "persons" and insert "person"

Page 2, line 10, delete "employment" and insert "occupational"

Page 3, line 2, delete "interpreter services"

Page 3, line 3, after "persons" insert "interpreter services"

Page 3, line 3, after "obtain" insert "human"

Page 3, line 17, after "four" insert "persons who are"

Page 3, line 17, after "or" insert "who are"

Page 3, line 20, after the period, insert "Members shall serve without payment by the state of per diem or expense."

Page 5, line 16, after "four" insert "persons who are"

Page 5, line 16, after "or" insert "who are"

Page 5, line 20, after the period insert "The state council shall provide per diem and compensation for expenses to committee members in accordance with section 15.059."

Page 5, line 23, delete "department" and insert "commissioner"

Page 5, line 25, delete "department" and insert "commissioner"

Page 5, line 30, delete "department" and insert "commissioner"

Page 6, lines 8 and 9, delete "on or before" and insert "by"

Page 6, delete lines 11 to 29 and insert: "The sum of \$1,006,500 is appropriated from the general fund to the agencies and for the purposes indicated in this section, to be available until June 30, 1981."

#### Subd. 2. [ECONOMIC SECURITY.]

For the purposes of sections 4 and 5 \$498,500

Approved Complement

1980-14                      1981-22

#### Subd. 3. [PUBLIC WELFARE.]

For the purposes of section 7 \$330,400

Approved Complement

1980-6                      1981-10

#### Subd. 4. [COUNCIL FOR THE HANDICAPPED.]

For the purposes of section 8 \$111,000

Approved Complement—3

#### Subd. 5. [HEALTH.]

For the purposes of sections 9 and 10 \$60,900

Approved Complement—2

#### Subd. 6. [STATE PLANNING.]

For the purposes of section 11 \$5,700'

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. 266: A bill for an act relating to public welfare; child care services; defining a sliding fee schedule payment plan for child care; appropriating money; amending Minnesota Statutes 1978, Section 245.84, Subdivision 2.

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

Page 1, line 11, after "available" insert "*and subject to the allocation requirements of section 245.87,*"

Page 1, line 12, after "shall" insert "*establish an experimental program to*"

Page 1, line 12, strike "counties," and insert "*county boards*"

Page 1, strike line 13

Page 1, line 14, strike "care facilities"

Page 1, strike line 17

Page 1, line 22, after the stricken period insert "*The commissioner shall promulgate temporary rules to govern the experimental program in accordance with this subdivision. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the program in preventing and reducing dependence of participants on public assistance and in providing other benefits. The commissioner shall report to the legislature by January 15, 1981, on the effectiveness of the experimental program and make recommendations regarding making this program an integral part of the child care services administered by the counties. The experimental program expires June 30, 1981.*"

Page 2, line 2, delete the comma and insert "*and*"

Page 2, line 3, delete "*and 25 percent thereafter*"

Page 2, line 6, delete "90" and insert "70"

Page 3, line 6, delete "\$2,250,000" and insert "\$1,500,000"

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

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

S. F. No. 897: A bill for an act relating to the secretary of state; providing for printing and distributing the student edition of the legislative manual; appropriating money; amending Minnesota Statutes 1978, Section 5.09.

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

Page 1, line 19, delete "30" and insert "*51,300*"

Page 1, line 19, delete "*each public*"

Page 1, line 20, delete "school" and insert "schools"

Page 1, line 20, delete "through the superintendent of"

Page 1, line 21, delete "each school district" and insert "on request"

Page 1, line 22, delete "for sale"

Page 2, line 2, delete "\$71,544" and insert "\$39,000"

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 re-referred

S. F. No. 966: A bill for an act relating to county human services facilities; providing authority to issue and sell revenue bonds, lease facilities, pledge revenues, and pledge full faith and credit; amending Minnesota Statutes 1978, Chapter 402, by adding a section.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 402, is amended by adding a section to read:

[402.081] [HUMAN SERVICES FACILITIES.] *Subdivision 1. [ISSUANCE OF BONDS.] A county, upon the recommendation of its human services board, may issue general obligation revenue bonds by resolution of its governing body to finance the acquisition and betterment of human services facilities. For purposes of this section, "human services facilities" means any real or personal property used or useful in connection with the delivery of correctional, employment, health, mental health, or social services, and includes all costs associated with (a) the acquisition and betterment of the facilities, (b) the issuance of bonds to finance the facilities including, without limitation, all the costs specified in section 475.65, (c) the retirement of outstanding indebtedness in connection with the acquisition or betterment of any existing human services facility. (d) the establishment of a reserve, and (e) working capital in an amount not to exceed the estimated cost of operation of the facilities for a period of six months.*

*Subd. 2. [VOTER APPROVAL.] The governing body of a county, prior to the issuance of any bonds authorized by subdivision 1, shall adopt an initial resolution stating the amount, purpose, and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper of the county. The bonds may be issued without the submission of the question of their issuance to the voters of the county unless within 21 days after the second publication of the resolution a petition requesting an election, signed by registered voters of the county in number equal to at least eight percent of those voting in the last general election, is filed with the county*

auditor. If a petition is filed, no bonds shall be issued unless approved by a majority of the voters of the county voting on the question of their issuance at a regular or special election.

**Subd. 3. [LEASE OF FACILITIES.]** *The county may lease human services facilities for operation, administration, and maintenance to a nonprofit or public corporation for not more than 30 years for rentals and upon terms and other conditions as may be agreed. The facilities shall be open to all residents of the county on equal terms. The county may by resolution of its governing body agree to pay to the lessee of human services facilities annually, and to include in each annual budget and tax levy for human services purposes, a fixed compensation determined by the governing body to be just and proper compensation for services agreed to be performed by the lessee in the operation, administration, and maintenance of the human services facility, for any investment by the lessee of its own funds or funds granted and contributed to it in the construction or equipment of the human services facility, and for any auxiliary services provided or made available by the lessee. A lease agreement entered into under this section shall require the lessee to pay a net rental not less than the amount required to pay the principal and interest when due on all bonds issued by the county to acquire and better the leased facilities or to refund such bonds, and to maintain the agreed bond reserve.*

**Subd. 4. [CHARGES FOR SERVICE.]** *Charges for all services furnished and made available by or through facilities financed in whole or in part by the issuance of bonds may and shall be established at levels such that the revenues therefrom, together with any compensation payable to the lessee as provided in subdivision 3, will be sufficient to pay all expenses, as they are estimated to accrue, of operation, administration and maintenance of the facilities, of providing the services, and of principal, interest, and redemption premium, if any, when due and payable on the bonds. The charges shall be payable by each department of the county, the state, and any other governmental unit or agency, and by any private person, firm, or corporation, that requests or contracts for services to be made available to any person, or for the care or custody of any person. The county shall provide in its annual budget and tax levy, or from federal or state aids available, for the payment of all charges for which it is by law or contract responsible, whether the facilities are operated by the county or the county human services board or by a lessee. The county and any department, agency, or governmental unit of the state may enter into contracts with the county or its lessee for the provision of any type of human services they are by law authorized or required to furnish, for the period and upon the conditions that their governing bodies or officers may agree upon.*

**Subd. 5. [SECURITY.]** *The county shall pledge and appropriate the net revenues to be derived from its operation or lease of the human services facilities to pay the principal and interest on the bonds when due and to create and maintain reserves for that purpose, as a first and prior lien thereon. The governing body shall have power to make and enter into the covenants with the bondholders which are*

*determined by it to be necessary and proper to assure the marketability of the bonds, the completion of the facilities, the segregation of the revenues or rentals and any other funds pledged, and the sufficiency thereof for the prompt and full payment of all bonds and interest. The governing body shall also pledge to the payment of the bonds and interest the full faith and credit of the county.*

**Subd. 6. [ISSUANCE AND SALE.]** *All bonds issued pursuant to this section shall be issued and sold as provided in chapter 475, except:*

*(a) Any bond reserve and capitalized interest segregated at the time of issuance, together with revenues estimated by the governing body to be derived annually after completion of the facilities, from charges to be established pursuant to subdivision 4, may be deducted from the taxes initially required to be levied under section 475.61, provided that a tax shall be assessed and extended each year, without limitation of rate or amount, sufficient to produce an amount equal to any deficiency in the bond reserve then agreed to be maintained in the debt service fund; and*

*(b) The issuance of the bonds need not be submitted to a vote of the electorate except as provided in subdivision 2.*

**Subd. 7. [TAX EXEMPTIONS.]** *Interest on the bonds shall not be included in gross income for the purpose of computing any tax imposed under chapter 290 and shall be exempt from any taxes imposed by any political subdivision of the state. All properties acquired and used by the county for the purposes authorized and contemplated in this section are public property exclusively used for a public purpose and exempt from taxation, whether or not leased as contemplated in subdivision 3.*

**Subd. 8.** *Two or more counties may enter into an agreement for the acquisition, ownership, operation or leasing, and financing of human services facilities pursuant to section 471.59. In this event any or all of the counties may issue general obligation revenue bonds as provided in this section, to provide agreed portions of the capital cost, and the facilities may be operated and charges for its service determined and accounted for by the county, agency, or nonprofit corporation designated in the agreement."*

Further, delete the title and insert:

*"A bill for an act relating to county human services facilities; providing authority to issue and sell general obligation revenue bonds, lease facilities, pledge revenues, and pledge full faith and credit; amending Minnesota Statutes 1978, Chapter 402, by adding a section."*

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. 1035: A bill for an act relating to taxation; deed tax; providing that counties retain a portion of the revenues; amend-

ing Minnesota Statutes 1978, Sections 287.21, Subdivision 2; and 287.29, Subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 287.27, is amended by adding a subdivision to read:

*Subd. 3. At the request of any county the commissioner shall review the volume of stamps used by that county in the two preceding years. If in his opinion there is sufficient volume of stamps used in the county, the commissioner may provide for installation of a tax meter machine and reimburse the county for the costs of installation, maintenance and rental charges for the machine.*

Sec. 2. [APPROPRIATION.] *There is appropriated from the general fund in the state treasury to the commissioner of revenue an amount sufficient to make the payments required by section 1."*

Amend the title as follows:

Page 1, line 2, delete "providing that"

Page 1, delete lines 3 to 5 and insert "authorizing the commissioner of revenue to provide tax meter machines to replace deed tax stamps; appropriating funds; amending Minnesota Statutes 1978, Section 287.27, by adding a subdivision."

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

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

S. F. No. 1390: A bill for an act relating to taxation; providing for an annual adjustment of the excise tax on gasoline and special fuel based on changes in the consumer price index; amending Minnesota Statutes 1978, Section 296.02, Subdivision 1; and Chapter 296, by adding a section.

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

Page 1, line 14, reinstate the stricken language except "~~nine~~" and after "~~nine~~" insert "*ten*"

Page 1, lines 16 to 18, delete the new language

Pages 1 to 3, delete sections 2 to 5 and insert:

"Sec. 2. [EFFECTIVE DATE.] *Section 1 is effective for gasoline sold after June 30, 1979."*

Amend the title as follows:

Page 1, line 2, delete "providing for an annual"

Page 1, line 3, delete "adjustment" and insert "increasing the rate"

Page 1, line 4, delete "based on changes in the consumer"

Page 1, line 5, delete "price index"

Page 1, line 6, delete "; and Chapter 296, by" and insert a period

Page 1, delete line 7

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. 275: A bill for an act relating to taxation; income tax; clarifying non-taxable status of certain federal earned income credits; amending Minnesota Statutes 1978, Sections 290.01, Subdivision 20; and 290.18, Subdivision 2.

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

Page 4, lines 11 to 15, delete the new language

Page 8, line 8, strike "and"

Page 8, line 14, before the period insert "; and

*(10) The amount of any earned income credit received pursuant to section 43 of the Internal Revenue Code of 1954, as amended through December 31, 1978"*

Pages 10 to 12, delete section 2

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, delete "Sections" and insert "Section" and delete "; and 290.18," and insert a period

Page 1, delete line 6

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. 776: A bill for an act relating to accountancy; providing for licensing of public accountants; prohibiting certain practices; appropriating money; providing penalties; amending Minnesota Statutes 1978, Sections 326.17; 326.18; 326.19, Subdivision 2; 326.20, Subdivisions 1 and 2; and Chapter 326, by adding sections; repealing Minnesota Statutes 1978, Sections 326.17 to 326.23.

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

Page 18, delete lines 9 to 12 and insert:

"Sec. 14. [APPROPRIATION.] *The sum of \$66,000 is appropriated from the general fund to the state board of accountancy to implement sections 1 to 13 of this act, to be available for the fiscal year ending June 30 in the years indicated.*

1980	1981
\$43,500	\$22,500"

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. 816: A bill for an act relating to retirement; teachers retirement association; increase in employer contribution; amending Minnesota Statutes 1978, Sections 354.42, Subdivisions 3 and 5; and 354A.12.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 354.42, Subdivision 3, is amended to read:

Subd. 3. ~~Prior to July 1, 1975 the employer contribution to the fund shall be an amount equal to three and one-half percent of the salary of every coordinated member and seven percent of the salary of every basic member. Effective July 1, 1975~~ The employer contribution to the fund shall be an amount equal to four *and one-half* percent of the salary of each coordinated member and eight *and one-half* percent of the salary of each basic member. This contribution shall be made in the manner provided in section 354.43. For purposes of financing the various options related to the variable annuity division, employer contributions equal to the employee variable annuity contributions prescribed in section 354.62, subdivision 2, ~~will~~ *shall* be allocated at the same time to the employer variable annuity contribution account in section 354.62, subdivision 3.

Sec. 2. Minnesota Statutes 1978, Section 354.42, Subdivision 5, is amended to read:

Subd. 5. An additional employer contribution shall be made in the amount of ~~three~~ 3.05 percent of the salary of each member for the purpose of amortizing the deficit in the fund. This contribution shall be made in the manner provided in section 354.43.

Sec. 3. Minnesota Statutes 1978, Section 354A.12, is amended to read:

354A.12 [CONTRIBUTIONS BY EMPLOYEE AND EMPLOYER.] *Subdivision 1. [EMPLOYEE CONTRIBUTIONS.] The contribution required to be paid by each member of a teachers*

retirement fund association shall not be less than the percentage of total salary specified below for the applicable association and program:

<i>Association and Program</i>	<i>Percentage of Total Salary</i>
<i>Duluth teachers retirement association</i>	
<i>coordinated program</i>	4 percent
<i>Minneapolis teachers retirement association</i>	
<i>basic program</i>	8 percent
<i>coordinated program</i>	4.5 percent
<i>St. Paul teachers retirement association</i>	
<i>basic program</i>	8 percent
<i>coordinated program</i>	4.5 percent

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Notwithstanding any law to the contrary, for taxes levied in 1975 payable in 1976 and thereafter, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by a fully or partially coordinated teachers retirement social security fund the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed and the state shall assume the total employer obligation. Effective July 1, 1975 the state shall pay to said retirement fund association an employer contribution equal to the amount, expressed as a percentage of payroll, that the state of Minnesota is required to pay for all contributing members of the state teachers retirement association including social security taxes, in accordance with the provisions of Minnesota Statutes 1974, Section 354A.07, Subdivisions 2, 3a and 4, except that:

(1) employer contributions which are paid to the retirement fund associations pursuant to this section shall be appropriated and remitted directly to said retirement fund associations each month in accordance with the procedures described in section 354.42, subdivisions 1, 2, and 5; and

(2) with respect to any city of the first class having a fully or partially coordinated teachers retirement fund association, employer social security taxes on salaries paid after June 30, 1975 shall be paid by the state in accordance with the provisions of section 355.46, subdivision 2, clause (b), and employer contributions to said retirement fund association shall be reduced by the amount of such taxes. The contribution required to be paid by each coordinated member of a teachers retirement fund association in a city of the first class which does have a fully coordinated teachers retirement social security fund shall not be less than four percent of total salary, the contribution required to be paid by each coordinated member of a teachers retirement fund association which does have a partially coordinated teachers retirement social security fund shall not be less than four and one-half percent of total salary and the contribution required to be paid by

each basic member of a teachers retirement fund association in a city of the first class which does not have a fully coordinated teachers retirement social security fund shall not be less than eight percent of total salary.

The state shall make the following employer contributions to teachers retirement fund associations:

(a) For any coordinated member of a teachers retirement fund association in a city of the first class, the state shall pay the employer social security taxes in accordance with section 355.46, subdivision 3, clause (b);

(b) For any coordinated member of one of the following teachers retirement fund associations in a city of the first class, the state shall make a contribution to the respective retirement fund association in an amount equal to the designated percentage of the salary of the coordinated member as provided below:

Duluth teachers retirement fund association	5.79 percent
Minneapolis teachers retirement fund association	4.50 percent
St. Paul teachers retirement fund association	4.50 percent

(c) For any basic member of one of the following teachers retirement fund associations in a city of the first class, the state shall make a contribution to the respective retirement fund in an amount equal to the designated percentage of the salary of the basic member as provided below:

Minneapolis teachers retirement fund association	13.35 percent
St. Paul teachers retirement fund association	12.63 percent

The state employer contributions shall be appropriated and remitted directly to each teachers retirement fund association each month in accordance with the procedures described in section 354.43, subdivisions 1, 2, and 5.

Once each month the executive secretary of each teachers retirement fund association shall determine the amount of money necessary and presently needed to meet the state obligation as provided in this subdivision by applying the percentage of payroll figure as reported by the state teachers retirement association to the estimated payroll amounts for the current month and shall certify the amount to the commissioner of finance. The moneys required to meet the amounts certified by each executive secretary of a teachers retirement fund association shall be appropriated and remitted directly to the applicable teachers retirement fund association from the general fund each month. If subsequent actual experience deviates from the anticipated experience upon which the amount certified was determined, the allocation to the first class city teachers retirement fund association involved next following the discov-

ery of the deviation shall be adjusted. If the state makes an excess employer contribution to a teachers retirement fund association as the result of a false or wrongful certification, the state shall be entitled to recover the excess employer contribution by any appropriate means, including recovery from future state allocations, state aid or other funds payable to the school district in which the association is located. If an employee of that school district is responsible for the false or wrongful certification, any excess employer contribution recovered by the state shall be the obligation of the school district.

**Subd. 3. [CERTIFICATION OF SALARIES PAID FROM OTHER THAN NORMAL SCHOOL OPERATING FUNDS.]** The executive secretary of each teachers retirement fund association in a city of the first class shall certify to the commissioner of finance the total amount of salaries paid from normal school operating funds and the total amount of salaries paid from other than normal school operating funds. The certification shall include for each individual who receives a salary paid in whole or in part from other than normal school operating funds the name of the person, the salary or portion of the salary paid from other than normal school operating funds and the amount of employer contributions on the salary paid from other than normal school operating funds determined by applying the percentage of payroll figure as reported by the state teachers retirement association to the salary or portion of the salary paid from other than normal school operating funds.

**Subd. 4. [LIMITATION ON CERTAIN ARTICLES OF INCORPORATION OR BYLAW AMENDMENTS.]** No change in amendment to the bylaws or articles of incorporation of a teachers retirement fund association in a city of the first class affecting benefits, contributions or actuarial assumptions shall be made without approval by the legislature. Approval shall be deemed granted and the amendment shall become effective only upon enactment of special or general legislation detailing the substance of the amendment and upon submission of the text of the proposed amendment to the articles of incorporation or bylaws by the teachers retirement fund association involved to the legislative commission on pensions and retirement prior to the effective date of the amendment. Notwithstanding any provision of the articles of incorporation or bylaws to the contrary, amendments may be made adopted at the an annual meeting or at a special meeting called for such that purpose, without further local approval.

**Sec. 4. [EFFECTIVE DATE.]** This act shall be effective July 1, 1979."

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. 84: A bill for an act relating to public welfare; adjusting eligibility requirements for medical assistance benefits; amend-

ing Minnesota Statutes 1978, Sections 256B.06, Subdivision 1; and 256B.07.

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

Page 2, line 28, strike "\$2,600" and insert "\$3,000"

Page 2, line 28, strike "\$3,250" and insert "\$3,750"

Page 3, line 2, after the period, insert "*In computing income to determine eligibility for medical assistance, the commissioner shall, beginning in July 1979, disregard increases in income of social security or supplementary security income recipients who are not residents of long-term care facilities due solely to increases required by sections 215(i) and 1617 of the social security act.*"

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. 447: A bill for an act relating to the state building code; restricting statewide application of certain provisions; requiring builders to construct homes in compliance with the building code; permitting the use of ungraded Minnesota lumber in certain jurisdictions; providing for courses on lumber grading; providing tuition reimbursement and per diem for building officials; appropriating money; amending Minnesota Statutes 1978, Sections 16.851; 16.861, Subdivisions 1 and 4, and by adding a subdivision; 16.866, Subdivision 1; 327A.01, Subdivision 2; 327A.02, Subdivision 1; repealing Laws 1978, Chapter 786, Section 22.

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

Page 2, line 1, delete "1979" and insert "1978"

Page 5, line 19, delete "*which*" and insert "*that*"

Page 5, lines 29 and 30, delete "*building code division of the department*" and insert "*commissioner*"

Page 5, line 32, delete "*division*" and insert "*commissioner*"

Page 6, line 5, delete "*department*" and insert "*commissioner*"

Page 7, delete section 7

Page 8, line 3, after "*county*" insert "*according to the 1970 United States census*"

Page 8, line 11, delete "*expended*" and insert "*June 30, 1981*"

Page 8, line 12, in the blank insert "2,705,300"

Page 8, line 14, delete "8" and insert "7"

Page 8, line 18, before "*This*" insert "*Section 8 of this act is effective July 1, 1979. The remainder of*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 13, delete "327A.02, Subdivision 1;"

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

#### SECOND READING OF SENATE BILLS

S. F. Nos. 1234, 1141, 266, 897, 966, 1035, 1390, 275, 776, 816, 84 and 447 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. No. 1465 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### MOTIONS AND RESOLUTIONS

Mr. Laufenburger; Mrs. Staples; Mr. Keefe, S.; Mrs. Brataas and Mr. Spear introduced—

Senate Resolution No. 34: A Senate resolution extending congratulations to Reiko Weston on being selected Small Business Person of the Year for Minnesota.

Referred to the Committee on Rules and Administration.

#### RECONSIDERATION

Mr. Sikorski moved that the vote whereby H. F. No. 1238 was passed by the Senate on May 16, 1979, be now reconsidered. The motion prevailed.

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 16, delete "*obtains or retains*" and insert "*detains or fails to return*"

Amend the title as follows:

Page 1, line 2, delete "the"

Page 1, line 2, delete "obtaining" and insert "detaining"

Page 1, line 3, delete "retaining of" and insert "failing to return"

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 51 and nays 1, as follows:

Those who voted in the affirmative were:

Ashbach	Gunderson	Luther	Pillsbury	Strand
Bang	Hughes	McCutcheon	Renneke	Tennessen
Benedict	Humphrey	Merriam	Rued	Ueland, A.
Bernhagen	Jensen	Moe	Schaaf	Ulland, J.
Brataas	Johnson	Nelson	Schmitz	Vega
Chenoweth	Keefe, S.	Nichols	Setzpfandt	Wegener
Coleman	Kirchner	Olhoft	Sieloff	Willet
Davies	Knaak	Olson	Sikorski	
Dieterich	Knutson	Penny	Spear	
Frederick	Laufenburger	Perpich	Staples	
Gearty	Lessard	Peterson	Stokowski	

Mr. Knoll voted in the negative.

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

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on H. F. No. 1526:

Messrs. Moe, Tennessen, Stumpf, Ogdahl and Renneke. The motion prevailed.

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

#### SPECIAL ORDER

S. F. No. 917: A bill for an act relating to workers' compensation; changing certain insurance rate making procedures; increasing the membership of the workers' compensation court of appeals; directing certain studies; providing for certain schedules and lists; increasing certain staff; relocating workers' compensation court of appeals; changing availability amounts for certain benefits; changing rehabilitation procedures; changing certain presumptions; changing basis for attorneys' fees; changing notice provisions; establishing a workers' compensation reinsurance association; transferring self-insuring duties to the commissioner of insurance; establishing a reopened case fund; establishing a voluntary group self-insurance group association; appropriating money; amending Minnesota Statutes 1978, Sections 79.01, Subdivision 2, and by adding subdivisions; 79.095; 79.10; 79.21; 79.22, by adding a subdivision; 79.25; 175.006, Subdivision 1; 175.08; 176.011, Subdivisions 9 and 15; 176.021, Subdivision 3; 176.061, Subdivision 5; 176.081, Subdivision 5; 176.101, Subdivisions 1, 3 and 4; 176.111, Subdivision 1; 176.131, Subdivisions 3, 10 and by adding a subdivision; 176.135, by adding a subdivision; 176.141; 176.155, Subdivision 2; 176.179; 176.181, Subdivision 2, and by adding a subdivision; 176.191; 176.231, Subdivisions 1 and 2; 176.235, Subdivision 1; 176.241; 176.271; 176.391, Subdivision 2; 176.521, Subdivision 1; Chapters 79, by adding sections; and 176, by adding a section; repealing Minne-

sota Statutes 1978, Sections 79.05; 79.06; 79.07; 175.092; and 176.101, Subdivision 7.

Mr. Keefe, S. moved to amend S. F. No. 917 as follows:

Page 10, after line 32, insert:

"Sec. 14. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.211] [DIVISION OF PAYROLL.] *For the purposes of rate calculation an employer's payroll shall be divided if an employee is within two or more rate classifications, provided that the records of the employer substantiate a division.*"

Page 13, line 32, delete "16" and insert "17"

Page 19, line 23, delete "section" and insert "sections 17 to"

Page 51, line 15, delete "may" and insert "shall"

Page 67, line 8, delete "pursuant" and insert "and is not subject"

Page 69, after line 21, insert:

"Sec. 71. Section 8, Subdivision 2, clause (1), shall not apply to those parts of the manual which concern the (1) basis of premium found in part VI of the most recent manual; (2) standard exceptions found in part VIII, paragraph 8, of the most recent manual; (3) experience rating plan; and (4) rules for the division of payroll. These parts of the manual shall be approved by the commissioner of insurance pursuant to section 2 if a petition for a hearing is made pursuant to section 2 within 90 days of the effective date of this section. If no such petition is made, subdivision 2, clause (1), shall apply to these parts of the manual.

*Workers' compensation premiums charged to insureds during the pendency of the proceeding held pursuant to the petition shall be based on the current manual.*"

Page 70, line 31, delete "32,"

Page 70, line 32, before "47" insert "45,"

Page 70, line 32, delete "48,"

Page 70, line 32, delete "and 50" and insert "52, 54, 68, and 69"

Page 71, line 6, after "association" insert "created pursuant to section 60"

Page 71, line 15, delete "1" and insert "2"

Page 71, line 16, after the period insert "Section 2, subdivisions 7 and 8 and sections 3 to 8 are effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, delete "group"

The motion prevailed. So the amendment was adopted.

Mr. Setzepfandt moved to amend S. F. No. 917 as follows:

Page 12, line 29, delete "\$200,000" and insert "\$100,000"

Page 13, line 25, delete "\$200,000" and insert "\$100,000"

#### CALL OF THE SENATE

Mr. Davies imposed a call of the Senate for the balance of the proceedings on S. F. No. 917. The following Senators answered to their names:

Anderson	Dunn	Knaak	Penny	Sikorski
Ashbach	Engler	Knoll	Perpich	Sillers
Bang	Frederick	Knutson	Peterson	Spear
Benedict	Gearty	Laufenburger	Pillsbury	Staples
Bernhagen	Gunderson	Lessard	Purfeerst	Stokowski
Brataas	Hanson	Luther	Rued	Strand
Chenoweth	Humphrey	Menning	Schaaf	Vega
Chmielewski	Johnson	Merriam	Schmitz	Wegener
Davies	Keefe, J.	Nelson	Setzepfandt	Willet
Dieterich	Keefe, S.	Olson	Sieloff	

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

The question was taken on the adoption of the amendment of Mr. Setzepfandt.

The roll was called, and there were yeas 38 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Menning	Peterson	Spear
Benedict	Humphrey	Moe	Purfeerst	Stokowski
Chenoweth	Johnson	Nelson	Schaaf	Strand
Chmielewski	Keefe, S.	Nichols	Schmitz	Stumpf
Coleman	Knoll	Olhoft	Setzepfandt	Vega
Gearty	Lessard	Olson	Sieloff	Willet
Gunderson	Luther	Penny	Sikorski	
Hanson	McCutcheon	Perpich	Solon	

Those who voted in the negative were:

Ashbach	Dieterich	Keefe, J.	Merriam	Staples
Bang	Dunn	Kirchner	Pillsbury	Tennessee
Bernhagen	Engler	Knaak	Renneke	Ueland, A.
Brataas	Frederick	Knutson	Rued	Ulland, J.
Davies	Jensen	Laufenburger	Sillers	

The motion prevailed. So the amendment was adopted.

Mr. Ashbach moved to amend S. F. No. 917 as follows:

Pages 12 to 19, delete sections 17 to 25

Renumber the sections in sequence

Correct the internal references

Amend the title as follows:

Page 1, delete line 13

Page 1, line 14, delete "association;"

The question was taken on the adoption of the amendment.

Mr. Keefe, S. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 25 and nays 37, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Jensen	Laufenburger	Rued
Bang	Dunn	Keefe, J.	Merriam	Sieloff
Bernhagen	Engler	Kirchner	Ogdahl	Ueland, A.
Brataas	Frederick	Knaak	Pillsbury	Ulland, J.
Davies	Gearty	Knutson	Renneke	Wegener

Those who voted in the negative were:

Anderson	Johnson	Nelson	Schaaf	Strand
Benedict	Keefe, S.	Nichols	Schmitz	Stumpf
Chenoweth	Kleinbaum	Olhoft	Setzepfandt	Tennessee
Chmielewski	Knoll	Olson	Sikorski	Vega
Coleman	Lessard	Penny	Solon	Willet
Gunderson	Luther	Perpich	Spear	
Hanson	Menning	Peterson	Staples	
Humphrey	Moe	Purfeerst	Stokowski	

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

Mr. Davies moved to amend S. F. No. 917 as follows:

Page 14, line 19, delete everything after "pay" and before the period

Page 14, line 27, delete "not"

The motion prevailed. So the amendment was adopted.

Mr. Laufenburger moved to amend S. F. No. 917 as follows:

Page 2, delete section 1

Pages 65 to 68, delete sections 59 to 65

Page 70, line 3, delete "Subdivision 1."

Page 71, delete subdivision 2

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, delete everything after the semicolon

Page 1, line 17, delete everything before "appropriating"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 38, as follows:

Those who voted in the affirmative were:

Ashbach	Davies	Keefe, J.	Laufenburger	Staples
Bang	Engler	Kirchner	Penny	Ueland, A.
Bernhagen	Frederick	Knaak	Renneke	Ulland, J.
Brataas	Gunderson	Knutson	Rued	

Those who voted in the negative were:

Benedict	Humphrey	Menning	Pillsbury	Strand
Chenoweth	Jensen	Merriam	Purfeerst	Stumpf
Chmielewski	Keefe, S.	Moe	Schaaf	Tennessee
Coleman	Kleinbaum	Nelson	Schmitz	Vega
Dieterich	Knoll	Nichols	Setzepfandt	Wegener
Dunn	Lessard	Olhoff	Sikorski	Willet
Gearty	Luther	Olson	Spear	
Hanson	McCutcheon	Perpich	Stokowski	

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

Mr. Nichols moved to amend S. F. No. 917 as follows:

Page 2, delete line 7 and insert "*the Minnesota compensation insurance fund*"

Page 65, after line 5, insert

"Sec. 59. Minnesota Statutes 1978, Section 176.645, is amended to read:

176.645 [ADJUSTMENT OF BENEFITS.] *Subdivision 1.* For injuries occurring after October 1, 1975 and before October 1, 1979 for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the amount due the employee or any dependents shall be adjusted in accordance with this section. ~~On October 1, 1976 and~~ Each October 1 thereafter the amount due shall be adjusted by multiplying the amount due prior to each adjustment by a fraction, the denominator of which is the statewide average weekly wage for December 31, 21 months prior to the adjustment and the numerator of which is the statewide average weekly wage for December 31, nine months prior to the adjustment. For injuries occurring after October 1, 1975 all adjustments provided for in this section shall be included in computing any benefit due under this section.

Any limitations of amounts due for daily or weekly compensation under this chapter shall not apply to adjustments made under this section. No adjustment increase made on October 1, 1977 or thereafter under this section shall exceed six percent a year, *except that the first adjustment for an employee or a dependent who has completed the 104 week waiting period required by subdivision 2 shall include up to six percent for each of the annual adjustments missed.* In those instances where the adjustment under the formula of this section would exceed this maximum the increase shall be deemed to be six percent.

*Subd. 2.* For injuries occurring on or after October 1, 1979, the adjustment made pursuant to subdivision 1 shall not take effect until after the employee or a dependent has received compensation for 104 weeks, not necessarily consecutive. The initial adjustment made in the benefits of an employee or dependent

*who has received compensation for 104 weeks shall not include payment in the amount the employee or dependent would have received if the annual adjustment had been permitted prior to the 104 week waiting period."*

Pages 65 to 68, delete sections 59 to 65 and insert:

*"Sec. 59. [176A.02] [DEFINITIONS.] Subdivision 1. For the purposes of sections 60 to 65 the following terms have the meanings given to them, unless the context clearly indicates a different meaning.*

*Subd. 2. "Fund" means the Minnesota compensation insurance fund.*

*Subd. 3. "Member" means an employer who has purchased workers' compensation insurance from the fund.*

*Subd. 4. "Board" means the board of directors.*

*Subd. 5. "Director" means the executive director of the fund.*

*Sec. 60. [176A.03] [MINNESOTA COMPENSATION FUND.] Subdivision 1. [CREATED.] There is created the Minnesota compensation insurance fund for the purpose of providing workers' compensation insurance required by chapter 176 to employers.*

*Subd. 2. [BOARD OF DIRECTORS: COMPOSITION.] The board of directors of the fund is composed of the commissioner of labor and industry and eight individuals appointed by the governor with the advice and consent of the senate. Three of the governor's appointees shall be members of the fund, three shall represent employees of members, and two shall represent the public.*

*Subd. 3. [TERMS.] The membership terms, compensation, removal of members, and filling of vacancies for the members of the board appointed by the governor shall be as provided in section 15.0575.*

*Subd. 4. [OFFICERS; QUORUM.] The board shall select a chairman and other officers as it deems necessary from its membership.*

*A majority of the board constitutes a quorum for purposes of conducting its business, notwithstanding the existence of any vacancies. Action may be taken by the board upon a vote of a majority of the directors present.*

*Subd. 5. [BOARD POWERS.] The board of directors of the fund is vested with full power, authority and jurisdiction over the fund. The board may perform acts which are necessary or proper in exercising its power, authority and jurisdiction in writing insurance.*

*Subd. 6. [EXECUTIVE DIRECTOR.] The fund is under the administrative control of the executive director, who is appointed by the board and serves at the pleasure of the board.*

*The director may appoint a deputy director and other permanent and temporary employees he deems necessary. All permanent employees of the fund, except the director, deputy director and five additional positions reporting directly to the director, are in the classified service. The five additional unclassified positions permitted by this subdivision shall be filled pursuant to section 43.09, subdivision 2a; no additional deputy director position may be created.*

**Subd. 7. [LIABILITY OF OFFICERS AND EMPLOYEES.]** *The board, director, and employees of the fund are not personally liable, either jointly or severally, for any debt incurred or obligation created by the fund.*

**Sec. 61 [176A.04] [POWERS.]** *For the purpose of exercising the power and authority granted in sections 60 to 65, the fund has the following powers:*

(a) *It may sue and be sued;*

(b) *It may have a seal and alter it at will;*

(c) *It may make, amend and repeal rules and is not subject to chapter 15;*

(d) *It may make and enter into contracts of insurance with members and other contracts or obligations relating to the fund as are necessary;*

(e) *It may refuse to provide coverage to an employer for the same reasons for which a private insurer is permitted to refuse to write insurance;*

(f) *It may perform other acts not specifically enumerated in this section that are necessary or proper to accomplish the purposes of the fund.*

**Sec. 62. [176A.05] [COST OF COVERAGE.]** *The cost of providing the insurance for each employer shall be determined by the director and shall be at the lowest possible cost consistent with the maintenance of a solvent fund including the creation and maintenance of reasonable and adequate reserves.*

**Sec. 63. [176A.06] [REGULATION BY INSURANCE COMMISSIONER.]** *The fund is subject to the provisions of chapter 79.*

**Sec. 64. [176A.07] [MONEY OF THE FUND.]** **Subdivision 1. [ACCOUNT IN STATE TREASURY.]** *All money paid by members for insurance and all other money derived from property and securities acquired by and through the use of money belonging to the fund shall be paid to the state treasurer who shall deposit it in a special account and shall not commingle the money of the fund with any other money. Interest or profit accruing from investment of money in the account shall be credited to the account. Money in the account does not cancel and is appropriated to the director for the purposes of sections 60 to 65.*

**Subd. 2. [LIABILITIES OF THE FUND.]** *Payment of losses sustained by and liabilities incurred by the fund shall be made solely from money in the account.*

*All operating expenses, including salaries for employees and rent for facilities shall be paid from money in the account. General fund revenue shall not be used to pay any losses sustained by, liabilities incurred by, or operating expenses of the fund, except as provided by section 72, subdivision 2.*

Sec. 65. [176A.10] [REPORTS.] *The board shall report to the governor and legislature by November 15 of each even numbered year. The report shall contain information on the condition of the fund, including incurred losses, investment return, adequacy of reserves, number of policies written and other information deemed appropriate. The report may also contain recommendations designed to improve the operation of the fund."*

Page 71, line 6, delete "association" and insert "Minnesota compensation insurance fund"

Page 71, line 7, delete "\$6,000,000" and insert "\$12,000,000"

Page 71, line 10, delete "association" and insert "fund"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, delete everything after "a" and insert "state compensation insurance fund"

Page 1, line 17, delete everything before the semicolon

Page 1, line 32, before "Chapters" insert "176.645;"

Mr. Frederick requested division of the amendment as follows:

First portion:

Page 65, after line 5, insert

"Sec. 59. Minnesota Statutes 1978, Section 176.645, is amended to read:

176.645 [ADJUSTMENT OF BENEFITS.] *Subdivision 1. For injuries occurring after October 1, 1975 and before October 1, 1979 for which benefits are payable under section 176.101, subdivisions 1, 2 and 4, and section 176.111, subdivision 5, the amount due the employee or any dependents shall be adjusted in accordance with this section. On October 1, 1976 and Each October 1 thereafter the amount due shall be adjusted by multiplying the amount due prior to each adjustment by a fraction, the denominator of which is the state wide average weekly wage for December 31, 21 months prior to the adjustment and the numerator of which is the state-wide average weekly wage for December 31, nine months prior to the adjustment. For injuries occurring after October 1, 1975 all adjustments provided for in this section shall be included in computing any benefit due under this section.*

Any limitations of amounts due for daily or weekly compensation under this chapter shall not apply to adjustments made under this section. No adjustment increase made on October 1, 1977 or thereafter under this section shall exceed six percent a year, *except*

*that the first adjustment for an employee or a dependent who has completed the 104 week waiting period required by subdivision 2 shall include up to six percent for each of the annual adjustments missed. In those instances where the adjustment under the formula of this section would exceed this maximum the increase shall be deemed to be six percent.*

*Subd. 2. For injuries occurring on or after October 1, 1979, the adjustment made pursuant to subdivision 1 shall not take effect until after the employee or a dependent has received compensation for 104 weeks, not necessarily consecutive. The initial adjustment made in the benefits of an employee or dependent who has received compensation for 104 weeks shall not include payment in the amount the employee or dependent would have received if the annual adjustment had been permitted prior to the 104 week waiting period."*

Amend the title as follows:

Page 1, line 32, before "Chapters" insert "176.645;"

Second portion:

Page 2, delete line 7 and insert "*the Minnesota compensation insurance fund*"

Pages 65 to 68, delete sections 59 to 65 and insert:

*"Sec. 59. [176A.02] [DEFINITIONS.] Subdivision 1. For the purposes of sections 60 to 65 the following terms have the meanings given to them, unless the context clearly indicates a different meaning.*

*Subd. 2. "Fund" means the Minnesota compensation insurance fund.*

*Subd. 3. "Member" means an employer who has purchased workers' compensation insurance from the fund.*

*Subd. 4. "Board" means the board of directors.*

*Subd. 5. "Director" means the executive director of the fund.*

*Sec. 60. [176A.03] [MINNESOTA COMPENSATION FUND.] Subdivision 1. [CREATED.] There is created the Minnesota compensation insurance fund for the purpose of providing workers' compensation insurance required by chapter 176 to employers.*

*Subd. 2. [BOARD OF DIRECTORS: COMPOSITION.] The board of directors of the fund is composed of the commissioner of labor and industry and eight individuals appointed by the governor with the advice and consent of the senate. Three of the governor's appointees shall be members of the fund, three shall represent employees of members, and two shall represent the public.*

*Subd. 3. [TERMS.] The membership terms, compensation, removal of members, and filling of vacancies for the members of the board appointed by the governor shall be as provided in section 15.0575.*

*Subd. 4. [OFFICERS; QUORUM.] The board shall select a chairman and other officers as it deems necessary from its membership.*

*A majority of the board constitutes a quorum for purposes of conducting its business, notwithstanding the existence of any vacancies. Action may be taken by the board upon a vote of a majority of the directors present.*

*Subd. 5. [BOARD POWERS.] The board of directors of the fund is vested with full power, authority and jurisdiction over the fund. The board may perform acts which are necessary or proper in exercising its power, authority and jurisdiction in writing insurance.*

*Subd. 6. [EXECUTIVE DIRECTOR.] The fund is under the administrative control of the executive director, who is appointed by the board and serves at the pleasure of the board.*

*The director may appoint a deputy director and other permanent and temporary employees he deems necessary. All permanent employees of the fund, except the director, deputy director and five additional positions reporting directly to the director, are in the classified service. The five additional unclassified positions permitted by this subdivision shall be filled pursuant to section 43.09, subdivision 2a; no additional deputy director position may be created.*

*Subd. 7. [LIABILITY OF OFFICERS AND EMPLOYEES.] The board, director, and employees of the fund are not personally liable, either jointly or severally, for any debt incurred or obligation created by the fund.*

*Sec. 61. [176A.04] [POWERS.] For the purpose of exercising the power and authority granted in sections 60 to 65, the fund has the following powers:*

*(a) It may sue and be sued;*

*(b) It may have a seal and alter it at will;*

*(c) It may make, amend and repeal rules and is not subject to chapter 15;*

*(d) It may make and enter into contracts of insurance with members and other contracts or obligations relating to the fund as are necessary;*

*(e) It may refuse to provide coverage to an employer for the same reasons for which a private insurer is permitted to refuse to write insurance;*

*(f) It may perform other acts not specifically enumerated in this section that are necessary or proper to accomplish the purposes of the fund.*

*Sec. 62. [176A.05] [COST OF COVERAGE.] The cost of providing the insurance for each employer shall be determined by the director and shall be at the lowest possible cost consistent with*

*the maintenance of a solvent fund including the creation and maintenance of reasonable and adequate reserves.*

Sec. 63. [176A.06] [REGULATION BY INSURANCE COMMISSIONER.] *The fund is subject to the provisions of chapter 79.*

Sec. 64. [176A.07] [MONEY OF THE FUND.] *Subdivision 1. [ACCOUNT IN STATE TREASURY.] All money paid by members for insurance and all other money derived from property and securities acquired by and through the use of money belonging to the fund shall be paid to the state treasurer who shall deposit it in a special account and shall not commingle the money of the fund with any other money. Interest or profit accruing from investment of money in the account shall be credited to the account. Money in the account does not cancel and is appropriated to the director for the purposes of sections 60 to 65.*

*Subd. 2. [LIABILITIES OF THE FUND.] Payment of losses sustained by and liabilities incurred by the fund shall be made solely from money in the account.*

*All operating expenses, including salaries for employees and rent for facilities shall be paid from money in the account. General fund revenue shall not be used to pay any losses sustained by, liabilities incurred by, or operating expenses of the fund, except as provided by section 72, subdivision 2.*

Sec. 65. [176A.10] [REPORTS.] *The board shall report to the governor and legislature by November 15 of each even numbered year. The report shall contain information on the condition of the fund, including incurred losses, investment return, adequacy of reserves, number of policies written and other information deemed appropriate. The report may also contain recommendations designed to improve the operation of the fund."*

Page 71, line 6, delete "association" and insert "Minnesota compensation insurance fund"

Page 71, line 7, delete "\$6,000,000" and insert "\$12,000,000"

Page 71, line 10, delete "association" and insert "fund"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 16, delete everything after "a" and insert "state compensation insurance fund"

Page 1, line 17, delete everything before the semicolon

The question was taken on the adoption of the first portion of the Nichols amendment.

The roll was called, and there were yeas 7 and nays 43, as follows:

Those who voted in the affirmative were:

Anderson  
Nichols

Penny  
Pillsbury

Schaaf

Strand

Wegener

Those who voted in the negative were:

Ashbach	Frederick	Knaak	Olhoft	Spear
Bang	Gearty	Knoll	Olson	Staples
Benedict	Gunderson	Knutson	Perpich	Stokowski
Bernhagen	Hanson	Laufenburger	Purfeerst	Ueland, A.
Brataas	Humphrey	Lessard	Rued	Ulland, J.
Chmielewski	Johnson	Luther	Setzepfandt	Vega
Davies	Keefe, S.	Menning	Sieloff	Willet
Dieterich	Kirchner	Merriam	Sikorski	
Engler	Kleinbaum	Nelson	Solon	

The motion did not prevail. So the first portion of the amendment was not adopted.

Pursuant to Rule 21, Mr. McCutcheon moved that the following members be excused at 5:30 o'clock p.m. for a Conference Committee on H. F. No. 1495:

Messrs. McCutcheon, Sillers, Johnson, Hanson and Stokowski.

The motion prevailed.

The question was taken on the adoption of the second portion of the Nichols amendment.

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

Those who voted in the affirmative were:

Anderson	Hanson	McCutcheon	Peterson	Stumpf
Benedict	Hughes	Menning	Schaaf	Vega
Chenoweth	Johnson	Merriam	Setzepfandt	Wegener
Chmielewski	Keefe, S.	Nichols	Sikorski	Willet
Coleman	Knoll	Ogdahl	Spear	
Gearty	Lessard	Olson	Stokowski	
Gunderson	Luther	Perpich	Strand	

Those who voted in the negative were:

Ashbach	Engler	Knutson	Purfeerst	Staples
Bang	Frederick	Laufenburger	Renneke	Tennessee
Bernhagen	Humphrey	Moe	Rued	Ueland, A.
Brataas	Jensen	Nelson	Schmitz	Ulland, J.
Davies	Kirchner	Olhoft	Sieloff	
Dieterich	Kleinbaum	Penny	Sillers	
Dunn	Knaak	Pillsbury	Solon	

The motion did not prevail. So the second portion of the amendment was not adopted.

Mr. Frederick moved to amend S. F. No. 917 as follows:

Page 71, line 8, delete "five percent per year" and insert "the rate specified in section 47.20, subdivision 4(1)"

Page 71, line 9, delete "30" and insert "20"

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

Mr. Davies moved to amend S. F. No. 917 as follows:

Page 20, line 6, delete everything after the comma

Page 20, delete lines 7 to 10 and insert "at least three"

Page 69, line 25, delete "One judge shall"

Page 69, delete lines 26 to 31

The motion prevailed. So the amendment was adopted.

Mr. Dunn moved to amend S. F. No. 917 as follows:

Page 43, line 22, delete "25" and insert "22"

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

Mr. Olson moved to amend S. F. No. 917 as follows:

Page 8, after line 13, insert:

"Sec. 9. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.221] [INDEPENDENT CONTRACTORS; PAYROLL DETERMINATION.] *Subdivision 1. Pursuant to the contested case procedures in sections 15.0411 to 15.052, the commissioner may establish a formula to be used to determine the remuneration of independent contractors whose actual payroll cannot be determined.*

*Subd. 2. A formula established under subdivision 1 for independent contractors engaged in trucking may be established by using the average hourly earnings for employees in the trucking and warehousing industry, as determined by the Minnesota department of economic security or other reliable sources."*

Renumber the sections in sequence

Correct all internal references

The motion prevailed. So the amendment was adopted.

Mr. Peterson moved to amend S. F. No. 917 as follows:

Page 65, after line 27, insert:

"*Subd. 3. If after six months from the effective date of the first policy issued by the association, the association's assets are adequate to provide coverage to additional employers, it may provide this coverage to a private employer who for any reason is unable to self insure pursuant to section 176.181, subdivision 2. A private employer who obtains coverage under this subdivision is a member of the association.*"

Renumber the subdivisions in sequence

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on H. F. No. 1518:

Messrs. Spear, Moe, Perpich, Solon and Kirchner. The motion prevailed.

Mrs. Brataas moved to amend S. F. No. 917, as follows:

Page 12, line 29, after "occurrence" insert "*provided that this \$100,000 shall be increased, to the nearest \$10,000, on October 1, 1980 and on each October 1 thereafter by the percentage increase in the state-wide average weekly wage for the previous calendar*

year as determined pursuant to this subdivision. Ultimate loss as used in this section means the actual loss amount which a member is obligated to pay and which is paid or payable by the member and shall not include claim expenses. An ultimate loss is incurred by the reinsurance association on the date on which the loss occurs.

*For the purposes of this section state-wide average weekly wage means that wage determined by the commissioner in the following manner: On or before the July 1 preceding the October 1 on which the increase is to be applicable, the total wages reported to the department of economic security for the preceding 12 months ending on December 31 shall be divided by the total employment reported to that department for the same period to arrive at an average annual wage, which shall be divided by 52 to determine the state-wide average weekly wage."*

The motion prevailed. So the amendment was adopted.

Mr. Frederick moved to amend S. F. No. 917, as follows:

Page 66, line 26, before "*deputy*" delete the comma and insert "*and*" and delete "*and five additional positions*"

Page 66, line 27, delete "*reporting directly to the director,*"

Page 66, line 28, delete "*The five additional unclassified positions*"

Page 66, delete lines 29 to 31

Page 67, line 18, delete "*director*" and insert "*board*"

The motion prevailed. So the amendment was adopted.

Mrs. Brataas moved to amend S. F. No. 917, as follows:

Page 16, delete lines 21 through 33

Page 17, delete lines 1 through 4 and insert:

*"[79.37] [BOARD OF DIRECTORS.] A board of directors of the reinsurance association is created and shall be responsible for the operation of the reinsurance association consistent with the plan of operation and sections 13 to 21. The board shall consist of seven directors and the commissioner of insurance who shall be an ex officio member with vote. The board shall represent stock and mutual insurers, foreign and domestic insurers and self-insurers. Each board member shall be entitled to one vote, except as provided otherwise. Each director shall be elected by the membership with voting rights apportioned according to volume of premium written within each of the categories specified in this section. Terms of the directors shall be staggered so that the terms of all the directors do not expire at the same time and so that a director does not serve a term of more than four years. The board shall select a chairman and other officers it deems appropriate.*

*A majority of the board shall constitute a quorum, notwithstanding any vacancies. Action may be taken by a majority vote of the directors appointed."*

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

Mrs. Brataas then moved to amend S. F. No. 917, as follows:

Page 16, delete lines 21 through 33

Page 17, delete lines 1 through 4 and insert:

"[79.37] [BOARD OF DIRECTORS.] A board of directors of the reinsurance association is created and shall be responsible for the operation of the reinsurance association consistent with the plan of operation and sections 13 to 21. The board shall consist of ten directors and the commissioner of insurance who shall be an ex officio member with vote. The board shall represent stock and mutual insurers, foreign and domestic insurers and self-insurers. Six directors shall represent insurers. Two shall represent employers and two shall represent employees. Each board member shall be entitled to one vote, except as provided otherwise. Each director shall be elected by the membership with voting rights apportioned according to volume of premium written within each of the categories specified in this section. Terms of the directors shall be staggered so that the terms of all the directors do not expire at the same time and so that a director does not serve a term of more than four years. The board shall select a chairman and other officers it deems appropriate.

*A majority of the board shall constitute a quorum, notwithstanding any vacancies. Action may be taken by a majority vote of the directors appointed."*

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

Mr. Frederick moved to amend S. F. No. 917, as follows:

Page 65, line 20, delete "VOLUNTARY GROUP"

Page 65, line 21, delete "SELF-INSURANCE ASSOCIATION" and insert "STATE COMPETITIVE FUND"

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

S. F. No. 917: A bill for an act relating to workers' compensation; changing certain insurance rate making procedures; increasing the membership of the workers' compensation court of appeals; directing certain studies; providing for certain schedules and lists; increasing certain staff; relocating workers' compensation court of appeals; changing availability amounts for certain benefits; changing rehabilitation procedures; changing certain presumptions; changing basis for attorneys' fees; changing notice provisions; establishing a workers' compensation reinsurance association; transferring self-insuring duties to the commissioner of insurance; establishing a reopened case fund; establishing a voluntary group self-insurance association; appropriating money; amending Minnesota Statutes 1978, Sections 79.01, Subdivision

2, and by adding subdivisions; 79.095; 79.10; 79.21; 79.22, by adding a subdivision; 79.25; 175.006, Subdivision 1; 175.08; 176.011, Subdivisions 9 and 15; 176.021, Subdivision 3; 176.061, Subdivision 5; 176.081, Subdivision 5; 176.101, Subdivisions 1, 3 and 4; 176.111, Subdivision 1; 176.131, Subdivisions 3, 10 and by adding a subdivision; 176.135, by adding a subdivision; 176.141; 176.155, Subdivision 2; 176.179; 176.181, Subdivision 2, and by adding a subdivision; 176.191; 176.231, Subdivisions 1 and 2; 176.235, Subdivision 1; 176.241; 176.271; 176.391, Subdivision 2; 176.521, Subdivision 1; Chapters 79, by adding sections; and 176, by adding a section; repealing Minnesota Statutes 1978, Sections 79.05; 79.06; 79.07; 175.092; and 176.101, Subdivision 7.

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 17, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Menning	Peterson	Staples
Benedict	Humphrey	Merriam	Purfeerst	Stokowski
Chenoweth	Johnson	Moe	Renneke	Strand
Chmielewski	Keefe, S.	Nelson	Schaaf	Stumpf
Coleman	Kleinbaum	Nichols	Schmitz	Tennessee
Davies	Knoll	Ogdahl	Setzepfandt	Vega
Dieterich	Laufenburger	Olhoff	Sieloff	Wegener
Gearty	Lessard	Olson	Sikorski	Willet
Gunderson	Luther	Penny	Solon	
Hanson	McCutcheon	Perpich	Spear	

Those who voted in the negative were:

Ashbach	Dunn	Keefe, J.	Pillsbury	Ulland, J.
Bang	Engler	Kirchner	Rued	
Bernhagen	Frederick	Knaak	Sillers	
Brataas	Jensen	Knutson	Ueland, A.	

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.

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

#### REPORTS OF COMMITTEES

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

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

H. F. No. 990: A bill for an act relating to energy; clarifying the procedures for declaring an energy emergency; prescribing the

powers of the governor and executive council in an emergency; providing for the issuance of emergency rules by the director of the energy agency; prescribing additional elements of the energy emergency conservation and allocation plan; providing for earth sheltered construction zoning variances; prohibiting local governments from banning earth sheltered construction; requiring certain building energy reports and audits; providing for an adult and post-secondary energy education plan; limiting the time for application for certain variances; providing a method for determining certain efficiencies for air conditioners; providing partial funding to school districts, municipalities and counties for energy audits and energy conservation measures; requiring the commissioner of administration to prepare plans for new buildings that utilize alternative energy sources; establishing a state building solar demonstration program; requiring notice to the Minnesota energy agency of the proposed discontinuance of municipal steam heat systems; appropriating funds to the energy agency for various energy related purposes; prescribing a penalty; authorizing a weatherization program for low-income persons; amending Minnesota Statutes 1978, Sections 12.02, Subdivision 1; 12.03, Subdivision 4, and by adding a subdivision; 12.21, Subdivisions 1 and 3, and by adding a subdivision; 12.28; 12.32; 16.32, by adding a subdivision; 116H.02, Subdivisions 3 and 5, and by adding subdivisions; 116H.08; 116H.09, Subdivisions 1, 4, and 5; 116H.11; 116H.12, Subdivisions 1a, 1b, 3a, 3b, and 10; 116H.122; 116H.123; 116H.124; 116H.126; 116H.13; 116H.15; 120.78, Subdivision 1; 325.989, by adding a subdivision; 394.25, Subdivision 3; 394.27, Subdivision 7; 451.09; 462.357, Subdivisions 1 and 6; 462A.02, by adding a subdivision; and Chapter 116H, by adding a section; and Chapter 268, by adding a section; repealing Minnesota Statutes 1978, Section 116H.125.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 116H, is amended by adding a section to read:

[116H.088] [POST-SECONDARY ENERGY EDUCATION.]  
*Subdivision 1. The director, in consultation with the state board of education, the higher education coordinating board, the state board for community colleges, the state university board, and the board of regents of the university of Minnesota, shall develop a plan for adult and post-secondary energy education.*

*Subd. 2. The plan shall include:*

*(a) An identification of adult and post-secondary energy education needs;*

*(b) The development of adult and post-secondary energy education priorities;*

*(c) A format for the delivery of adult and post-secondary energy education programs that minimizes duplication of effort by the agencies listed in subdivision 1;*

*(d) A process for coordination of the acquisition, development, and dissemination of instructional materials and curricula that minimizes duplication of effort by the agencies listed in subdivision 1;*

*(e) A review of the existing uses of state and federal money to address adult and post-secondary energy education, and a recommendation of future needs for money; and*

*(f) A recommendation for a process to determine the effectiveness of the adult and post-secondary energy education efforts.*

Sec. 2. Minnesota Statutes 1978, Section 116H.124, is amended to read:

**116H.124 [LOCAL GOVERNMENT BUILDING ENERGY REPORTS AND AUDITS.]** *Subdivision 1. Before January 1, 1980, The governing body of each city and county shall complete a survey of building energy report for all existing city owned or county owned buildings within their respective jurisdictions which buildings are heated by oil, coal, electric, or gas units. Buildings heated by oil or interruptable gas shall be surveyed first. The survey shall determine, based upon a formula specified by the director, the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. The governing body of a city or county may contract with any municipal building official appointed pursuant to section 16.861, or with the state building inspector to perform the energy conservation survey. Each governing body shall estimate, based upon a formula specified by the director, the annual potential savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each building within its jurisdiction if that building were improved to comply with the energy conservation standards. The building energy report shall be recorded on a form furnished by the director. Each governing body shall file the energy conservation survey and estimated fuel procurement data for at least half the buildings within its jurisdiction building energy report with the director before December 31, 1978, and all remaining buildings by December 31, 1979, for his review and comment analysis.*

*Subd. 2. [MAXI-AUDITS AND MINI-AUDITS.] By June 30, 1980, based upon analysis of the building energy reports, the director shall indicate to the governing body of each city and county those buildings upon which a mini-audit or a maxi-audit, or both, shall be performed. The results of the mini-audit or maxi-audit shall be recorded on a form furnished by the director and filed with the director by December 31, 1982.*

*Subd. 3. [CERTIFICATION OF AUDITORS.] The director may certify persons to perform mini-audits and maxi-audits and to complete the building energy reports.*

*Subd. 4. [ACCEPTANCE OF EQUIVALENT ENERGY SURVEY.] The director may accept the results of an equivalent energy*

*survey in place of the building energy report, mini-audit, or maxi-audit required under this section.*

Sec. 3. Minnesota Statutes 1978, Section 116H.126, is amended to read:

**116H.126 [PUBLIC SCHOOL BUILDING ENERGY REPORTS AND AUDITS.]** *Subdivision 1. Before January 1, 1980, Each school district shall complete a survey of building energy report for all existing public school buildings which it owns or operates and which are heated by oil, gas, coal, or electric units in order to determine the estimated remaining useful life of each building, together with the present degree and estimated cost of compliance with the energy conservation standards promulgated pursuant to section 116H.121. Buildings heated by oil or interruptable gas shall be surveyed first. The results of the energy conservation survey building energy report shall be recorded on a form furnished by the director. A school district may contract with any municipal building official appointed pursuant to section 16.961 or with the state building inspector to perform the energy conservation survey. Each school district shall estimate, based upon a formula specified by the director, the annual savings in fuel procurement costs for existing heating and cooling systems, which savings would be realized for each public school building within the district if it were improved to comply with the energy conservation standards. Each school district shall file the energy conservation survey and estimated fuel procurement data for at least half the public school buildings within the district building energy reports with the director before December 31, 1978, and all remaining buildings by December 31, 1979, for his review and comment analysis.*

*Subd. 2. [MAXI-AUDITS AND MINI-AUDITS.] By July 1, 1980, based upon the analysis of the building energy reports, the director shall indicate to each school district those buildings upon which a mini-audit or maxi-audit, or both, shall be performed. The results of the mini-audit or maxi-audit shall be recorded on a form furnished by the director and filed with the director by December 31, 1982.*

*Subd. 3. [CERTIFICATION OF AUDITORS.] The director may certify persons to perform mini-audits and maxi-audits and to complete the building energy reports.*

*Subd. 4. [ACCEPTANCE OF EQUIVALENT ENERGY SURVEYS.] The director may accept the results of an equivalent energy survey in place of the building energy report and mini-audit or maxi-audit required under this section.*

*Subd. 5. [SCHOOL DISTRICTS INTENDING TO CLOSE PUBLIC SCHOOL BUILDINGS.] A school district intending to permanently close or otherwise discontinue use of any existing public school building by January 1, 1985, is not required to comply with this section for those buildings, if a certification of intent to close the building is filed with the director.*

Sec. 4. [STUDY OF CAPABILITY OF ENERGY MANAGEMENT PERSONNEL.] *The director shall conduct a study of the*

*capabilities and level of training of school district energy management personnel. The report shall include recommendations and shall be submitted to the legislature by January 1, 1980.*

Sec. 5. Minnesota Statutes 1978, Section 116H.129, Subdivision 1, is amended to read:

116H.129 [ENERGY CONSERVATION STANDARDS FOR EXISTING RESIDENCES.] Subdivision 1. Before ~~January 1, 1979~~ *August 1, 1980*, the commissioner of administration, in consultation with the director and the appropriate standing committees of the legislature, shall promulgate minimum energy efficiency standards for existing residences. The standards shall be economically feasible in that the resultant savings in energy procurement costs, based on current and projected average residential energy costs *including projected costs for fuel* in Minnesota as certified by the director in the state register, will exceed the cost of the energy conserving requirements amortized over the *five year ten-year* period subsequent to the incurring of such cost. The costs computed under this section shall include reasonable inflation and interest factors.

Sec. 6. [116H.21] [FUNDING FOR ENERGY AUDITS AND CONSERVATION MEASURES.] *Subdivision 1. [DEFINITIONS.] As used in sections 116H.124, 116H.126, this section, and section 7, the following terms have the meanings given them.*

*Subd. 2. "Energy conservation measure" means an installation or modification of an installation in a building that is primarily intended to reduce energy consumption or allow the use of an alternative energy source. The measure must be one that a mini-audit or a maxi-audit of the building, as defined in subdivisions 5 and 6, indicates would reduce the consumption of energy. An "energy conservation measure" as defined in section 302 (a)(2) of the National Energy Conservation Policy Act, P.L. 95-619, is considered an energy conservation measure as defined in this subdivision.*

*Subd. 3. "Governing body" means the governing body of a statutory or home rule charter city or county.*

*Subd. 4. "Building energy report" means a questionnaire designed to collect information on a building concerning its energy use and other basic factors that relate to energy use.*

*Subd. 5. "Mini-audit" means a brief, on-site inspection designed to observe and record building energy use systems and related factors. The primary objective is to identify energy saving measures that can be implemented quickly and at low cost.*

*Subd. 6. "Maxi-audit" means a detailed engineering analysis of energy saving building improvements, including modifications to building structure; heating, ventilating and air conditioning systems; operation practices; lighting; and other factors that relate to energy use. The primary objective is to quantify the economic and engineering feasibility of energy saving improvements that require capital expenditures or major operational modi-*

fications. "Technical assistance" as defined in section 302(a)(17) of the National Energy Conservation Policy Act, P.L. 95-619, is considered a maxi-audit.

Subd. 7. "School" means a public school district or an area vocational-technical institute.

Sec. 7. [116H.22] [PRIORITIES FOR FUNDING.] A school or local government may apply to the director to receive reimbursement for the actual costs of mini-audits or maxi-audits performed pursuant to sections 116H.124 and 116H.126. Applications shall be accompanied by a report on the energy using characteristics of the building and any other information the director may reasonably require. Notwithstanding any other law to the contrary, schools and local governments that submit their maxi-audits or mini-audits to the director by December 31, 1980, may use the state money received to pay part or all of the actual costs of energy conservation measures. If the applicant receives pursuant to the National Energy Conservation Policy Act, P.L. 95-619, federal money intended to be used to pay part or all of the costs of a mini-audit or maxi-audit, the applicant shall be paid state money in an amount that, when combined with federal money received, equals the actual cost of the mini-audit or maxi-audit. If appropriations are not sufficient to cover the costs of all audits for which reimbursement is requested, money shall be allocated to acceptable applicants in accordance with criteria established by the director of the energy agency, the department of education, and representatives of governing bodies and schools. Criteria may include, but are not limited to, population, number of students, amount of grant request, condition of facility, type of facility, and type of energy conservation measure for which money is requested.

Sec. 8. Minnesota Statutes 1978, Chapter 268, is amended by adding a section to read:

[268.37] [COORDINATION OF RESIDENTIAL WEATHERIZATION PROGRAM.] Subdivision 1. The department of economic security is the state agency to apply for, receive, and disburse federal money made available to the state by federal law or rules promulgated thereunder for the purpose of weatherizing the residences of low-income persons. The commissioner of economic security shall coordinate available federal money with any state money appropriated for this purpose.

Subd. 2. The commissioner shall make grants to community action agencies and other public or private nonprofit agencies for the purpose of weatherizing the residences of low-income persons. Grant applications shall be submitted in accordance with rules developed pursuant to 42 U.S.C., 6861-6872, any other relevant federal weatherization program, and rules promulgated by the commissioner.

Subd. 3. The commissioner shall promulgate all rules necessary to administer the grants program by July 1, 1979. The rules shall describe: (a) procedures for the administration of grants,

*(b) data to be reported by grant recipients, and (c) other matters the commissioner finds necessary for the proper administration of the grant program including compliance with relevant federal regulations. Weatherization assistance shall be given to households where the total income does not exceed 125 percent of the poverty level as updated by the federal office of management and budget poverty guidelines.*

Sec. 9. [REPORTS.] *The commissioner shall submit reports to the legislature by March 1, 1980, and March 1, 1981, evaluating the weatherization program. The reports shall describe: (a) the number of households weatherized, (b) the average cost per household, (c) any change in energy consumption after weatherization, (d) outreach efforts, and (e) any other information the commissioner feels is relevant including information routinely submitted to the federal government.*

Sec. 10. Minnesota Statutes 1978, Section 451.09, is amended to read:

451.09 [STEAM HEAT SYSTEMS; DISCONTINUANCE OR CONVERSION.] *Subdivision 1. Any steam heat system operated by a public utilities board or commission in any home rule charter city may be discontinued in whole or in part at the discretion of such board or commission. Funds may be expended at the discretion of such board or commission to compensate persons to whom service is discontinued for the expense of converting to some other type of heat system. Prior to exercising any of the authority granted by this section, the public utilities board or commission shall obtain the approval of the governing body of the city. The authority granted by this section shall apply notwithstanding any statute, city charter, or other law to the contrary. This section subdivision shall not apply to Austin, Marshall and Virginia.*

*Subd. 2. The public utilities board or commission shall inform the energy agency of its plans to discontinue operation at least two years prior to the intended date of discontinuance of operation. If a public utilities board or commission decides to discontinue operation of a steam heat system prior to July 1, 1981, it shall notify the director of the energy agency within 60 days of its decision.*

Sec. 11. [PILOT ETHANOL PRODUCTION PLANT.] *The energy agency shall issue a request for proposals for the construction and operation of a small scale pilot plant for the production of ethanol. The plant shall operate and produce ethanol from more than one resource, though not necessarily simultaneously. One of the resources must be agricultural, forest, or wetland residue such as, but not limited to, corn stalks, straw, cattails or timber slash. The pilot plant shall be portable and demonstrated around the state with literature explaining the process and illustrating possible designs for plants producing one million gallons per year or less. The plant shall operate for at least two years. A final report shall be provided to the Minnesota energy agency*

in October, 1981. The department of biochemistry at the University of Minnesota shall provide instrumentation and monitor the processes. The department of mechanical engineering shall test the fuel in internal combustion engines and provide horsepower, fuel consumption, and related data. Each organization shall provide a written report to the Minnesota energy agency, which shall in turn assemble all information for a report to the legislature in January, 1982.

Sec. 12. [APPROPRIATIONS.] Subdivision 1. The sum of \$15,447,000 is appropriated from the general fund to the agencies and for the purposes indicated, to be available until June 30, 1981, except as otherwise provided in this section.

Subd. 2. Energy Agency

(a) Develop a plan for adult and post-secondary energy education and implement adult energy education activities \$60,000

Approved Complement—1 unclassified position for this biennium only.

(b) Energy audits and conservation measures \$10,000,000

Of this appropriation, \$713,700 is for program administration.

Approved Complement—13 unclassified positions for this biennium only.

(c) Energy accounting system for schools and local governments, and training courses for local government and school personnel on energy accounting methods \$40,000

(d) Report on study of level of training and capabilities of local government and school energy management personnel \$10,000

(e) Research on district heating systems \$100,000

Approved Complement—2 unclassified positions for this biennium only.

(f) Engineering analyses of steam heat systems \$50,000

(g) Match federal money for district heating system projects \$250,000

Money from this appropriation is available for a project when the federal government issues a letter of intent to finance the project at the rate of \$3 federal for each \$1 state.

(h) Administer and monitor the ethanol study and pilot project, to be available until expended \$10,000

(i) Construct and operate a pilot plant for the production of ethanol, to be available until expended \$100,000

*Subd. 3. Department of Economic Security Co-ordinate residential weatherization program* \$4,800,000

*No more than six percent of this appropriation shall be used for administrative costs of the program.*

*Subd. 4. University of Minnesota*

*(a) Department of biochemistry—Instrument and monitor the pilot plant for the production of ethanol* \$18,000

*(b) Department of mechanical engineering—Product testing for the pilot plant* \$4,000

*(c) Agricultural extension service—Publications for farmers and the general population on the research and pilot plant operation* \$5,000

*(d) The appropriations in this subdivision are available until expended."*

Amend the title as follows:

Delete the title in its entirety and insert

"A bill for an act relating to energy; providing for an adult and post-secondary energy education plan; requiring certain building energy reports and audits; providing partial funding to school districts, municipalities and counties for energy audits and energy conservation measures; changing energy conservation standards for existing residential buildings; authorizing a weatherization program for low income persons; requiring notice to the Minnesota energy agency of the proposed discontinuance of municipal steam heat systems; providing for a pilot project in ethanol production; appropriating money; amending Minnesota Statutes 1978, Sections 116H.124; 116H.126; 116H.129, Subdivision 1; 451.09; Chapters 116H, by adding a section; and 268, by adding a section."

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 435, 510, 654, 272, 844, 1344, 390, and H. F. Nos. 633, 913, 1236 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. 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. 1329: Messrs. Solon; Ulland, J.; and Chmielewski.

H. F. No. 624: Mrs. Brataas, Messrs. Lessard, and Stumpf.

S. F. No. 1047: Messrs. Pillsbury, Laufenburger, and Vega.

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

### SECOND READING OF HOUSE BILLS

H. F. No. 990 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

### RECONSIDERATION

Mr. Anderson moved that the vote whereby H. F. No. 797 failed to pass the Senate on May 15, 1979, be now reconsidered. The motion prevailed.

Mr. Anderson moved that H. F. No. 797 be laid on the table. The motion prevailed.

### RECESS

Mr. Coleman moved that the Senate do now recess until 8:00 o'clock p.m. The motion prevailed.

The hour of 8:00 o'clock p.m. having arrived, the President called the Senate to order.

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused at 8:00 o'clock p.m. for a Conference Committee on S. F. No. 1510:

Messrs. Humphrey; Dunn; Keefe, S.; Chenoweth and Willet. The motion prevailed.

Pursuant to Rule 21, Mr. Moe moved that the following members be excused at 8:00 o'clock p.m. for a Conference Committee on H. F. No. 1518:

Messrs. Moe, Perpich, Solon, Kirchner and Spear. The motion prevailed.

### CALL OF THE SENATE

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

Ashbach	Hughes	Menning	Schaaf	Vega
Benedict	Keefe, S.	Nelson	Schmitz	Wegener
Davies	Kirchner	Nichols	Sieloff	Willet
Dieterich	Kleinbaum	Olhoft	Sillers	
Dunn	Knaak	Olson	Strand	
Gearty	Lessard	Penny	Stumpf	
Gunderson	Luther	Perpich	Tennessen	

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

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

#### MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 1351: A bill for an act relating to metropolitan government; providing for financing of metropolitan sports facilities; authorizing a revised site determination and establishing conditions for issuance of bonds; providing for appointment of members of the metropolitan sports facilities commission; exempting events sponsored at the metropolitan sports center from the three percent admission tax; appropriating money; amending Minnesota Statutes 1978, Sections 473.553, Subdivisions 2 and 4; 473.581, Subdivisions 2, 3, as amended, 4, as amended, and 5, as amended; 473.595, Subdivision 1; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Section 473.568.

Six members of the House have been appointed to such committee on the part of the House as follows:

Patton; Jude; Jacobs; Schreiber; Carlson, D. and Evans.

Senate File No. 1351 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 17, 1979

Mr. President:

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

S. F. No. 856: A bill for an act relating to public health; authorizing waiver of minimum health maintenance organization requirements for demonstration projects; amending Minnesota Statutes 1978, Chapter 62D, by adding a section.

Four members of the House have been appointed to such committee on the part of the House as follows:

Carlson, L.; Swanson; Kaley and Drew.

Senate File No. 856 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 17, 1979

Mr. President:

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

S. F. No. 450: A bill for an act relating to probate; clarifying the form for a self-proved will; amending Minnesota Statutes 1978, Section 524.2-504.

Four members of the House have been appointed to such committee on the part of the House as follows:

Faricy, Jude, Peterson and Crandall.

Senate File No. 450 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives  
Returned May 17, 1979

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to the following House File:

H. F. No. 317: A bill for an act relating to highway traffic regulations; passing a stopped school bus displaying stop arm signals; providing remedies; prescribing penalties; amending Minnesota Statutes 1978, Section 169.44, by adding a subdivision.

Four members of the House have been appointed to a Conference Committee on the part of the House as follows:

Wenzel, Faricy, Rose and Onnen.

House File No. 317 is herewith transmitted to the Senate with the request that the Senate appoint a Conference Committee.

Edward A. Burdick, Chief Clerk, House of Representatives  
Transmitted May 17, 1979

Mr. Wegener moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 317, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a Conference Committee appointed on the part of the House. The motion prevailed.

#### REPORTS OF COMMITTEES

Mr. Keefe, S. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

S. F. No. 1519: 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 15.0411, 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.

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

Page 2, after line 14, insert:

*“ARTICLE I”*

Page 5, line 16, delete everything before *“Minnesota”*

Page 5, line 26, delete *“Each state agency shall submit to”*

Page 5, line 27, delete the comma and insert *“shall submit to”*

Page 5, line 30, delete *“its”* and insert *“the”*

Page 5, line 30, delete *“employees”* and insert *“state funded positions”*

Page 5, line 33, delete *“the effect of”* and insert *“how”*

Page 6, line 1, delete everything before the comma and insert "*coordinate with departmental long range program plans*"

Page 6, after line 3, insert:

*"The commissioner of finance shall, in consultation with the commissioner of personnel, prescribe procedures by which each state agency shall submit to the commissioner of finance the information necessary for him to comply with sections 3 to 7. The position reduction program shall be integrated to the extent possible with the program budgeting system and the evaluation of program functions conducted as part of the budgeting process."*

Page 6, line 13, delete "*Each state agency shall*"

Page 6, line 14, delete "*reduce*"

Page 6, line 14, after "*the*" insert "*total*"

Page 6, line 14, delete "*its*"

Page 6, line 15, after "*1981*" insert "*, shall be reduced*"

Page 7, line 20, delete everything after "*finance*" and insert a period

Page 7, delete lines 21 and 22

Page 10, line 33, delete "*32,500*"

Page 11, line 1, delete "*32,500*"

Page 46, delete lines 11 to 17

Page 92, after line 21, insert:

*"The bonus provided by this section shall not be considered as salary for the purposes of section 352.01, subdivision 13."*

Page 94, delete section 120

Page 95, line 14, after the dollar sign insert "*100,000*"

Page 95, line 17, after the dollar sign insert "*200,000*"

Page 95, line 19, before "*Sections*" insert "*The effective dates for Article I are as follows:*"

Page 95, line 23, delete "*this*"

Page 95, line 24, delete "*act*" and insert "*Article I*"

Page 96, line 3, delete "*The provisions of section 115, clause (4)*"

Page 96, delete lines 4 and 5

Page 96, line 5, after the period, insert "*The provisions of section 137.02, subdivision 4, shall not apply to sections 99 to 117*"

Page 96, after line 5, insert:

## **"ARTICLE II**

Section 1. Minnesota Statutes 1978, Section 15A.081, 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	
		Effective July 1, 1979	Effective July 1, 1980
Administration, department of commissioner	\$41,000	\$44,000	\$47,000
Agriculture, department of commissioner	36,000	38,500	41,000
Attorney general, office of deputy attorney-general	23,000-42,000		
Commerce, department of commissioner of banks	22,000	34,000	36,500
commissioner of insurance	22,000	34,000	36,500
commissioner of securities	32,000	34,000	36,500
director of consumer services		28,000	30,000
executive secretary			
commerce commission	27,000		
Community college system chancellor	41,000	44,000	47,000
Corrections, department of commissioner	36,000	38,500	41,000
ombudsman	32,000	34,000	36,500
Crime prevention and control planning board, governor's commission on executive director	32,000	34,000	36,500
Economic development, department of commissioner	32,000	34,000	36,500
Economic security, department of commissioner	41,000	44,000	47,000
Education, department of commissioner	41,000	44,000	47,000
Energy agency director	36,000	38,500	41,000
Finance, department of commissioner	45,000	48,000	51,500
Health, department of commissioner	41,000	44,000	47,500
Hearing examiners office chief hearing examiner	36,000	38,500	41,000

	Base Salary or Range		
		<i>Effective July 1, 1979</i>	<i>Effective July 1, 1980</i>
	\$	\$	\$
Higher education coordinating board executive director	36,000	38,500	41,000
Housing finance agency executive director	36,000	38,500	41,000
Human rights, department of commissioner	29,000	31,000	33,000
Indian affairs board executive director	25,000	27,000	28,500
Investment, board of executive secretary	41,000	44,000	47,000
Iron range resources and rehabilitation board commissioner	29,000	31,000	33,000
Labor and industry, department of commissioner	36,000	38,500	41,000
judge of the workers' compensation court of appeals	36,000	38,500	41,000
<i>Mediation services, bureau of director, mediation services</i>	29,000	31,000	33,000
Natural resources, department of commissioner	41,000	44,000	47,000
Personnel, department of commissioner	41,000	44,000	47,000
Planning agency director	41,000	44,000	47,000
Pollution control agency director	36,000	38,500	41,000
<i>Public employment relations board chairman</i>			33,000
<i>member</i>			33,000
Public safety, department of commissioner	36,000	38,500	41,000
Public service, department of commissioner, public service commission	32,000	34,000	36,500
director	32,000	34,000	36,500
Public welfare, department of commissioner	41,000	44,000	47,000

		Base Salary or Range	
		Effective July 1, 1979	Effective July 1, 1980
	\$	\$	\$
Revenue, department of commissioner	41,000	44,000	47,000
State university system chancellor	41,000	44,000	47,000
Transportation, department of commissioner	41,000	44,000	47,000
Veterans affairs, department of commissioner	29,000	31,000	33,000

Subd. 5. A deputy of a position listed in subdivision 1, ~~other than the attorney general~~, shall be paid a base salary equal to 90 percent of the salary of the head of that department or agency as listed in subdivision 1.

Subd. 6. The following salaries are provided for the constitutional officers of the state:

		Effective July 1, 1979	Effective July 1, 1980
Governor	\$58,000	\$62,000	\$66,500
Attorney general	49,000	52,500	56,000
Lieutenant governor	36,000	38,500	41,000
Auditor	30,000	38,500	41,000
Secretary of state	30,000	38,500	41,000
Treasurer	30,000	38,500	41,000

The salaries of the *chief deputy attorney general*, deputy auditor, deputy secretary of state and deputy treasurer shall be 90 percent of the salaries of their respective superior constitutional officers. ~~The deputies shall be eligible for achievement awards as provided in section 43.069.~~

Subd. 7. The following salaries are provided for officers of metropolitan agencies:

		Effective July 1, 1979	Effective July 1, 1980
Chairman, metropolitan council (part-time)	\$39,000	\$21,000	\$22,500
(full-time)		42,000	44,500
Chairman, metropolitan airports commission	10,000	10,500	11,500

		<i>Effective July 1, 1979</i>	<i>Effective July 1, 1980</i>
	\$	\$	\$
Chairman, metropolitan transit commission	33,500		
<i>(part-time)</i>		18,000	19,000
<i>(full-time)</i>		36,000	38,000
Chairman, metropolitan waste control commission	15,000	16,000	17,000

Fringe benefits for unclassified employees of the metropolitan waste control commission shall not exceed those fringe benefits received by unclassified employees of the metropolitan council.

Sec. 2. Minnesota Statutes 1978, Section 15A.083, Subdivision 1, is amended to read:

15A.083 [SALARIES FOR POSITIONS IN THE JUDICIAL BRANCH.] Subdivision 1. [ELECTIVE JUDICIAL OFFICERS.] The following salaries shall be paid annually to the enumerated elective judicial officers of the state:

		<i>Effective July 1, 1979</i>	<i>Effective July 1, 1980</i>
(1) Chief justice of the supreme court	\$52,000	\$56,000	\$59,000
(2) Associate justice of the supreme court	49,000	52,500	56,000
(3) District judge, judge of county court (learned in the law), probate court, and county municipal court	42,000	45,000	48,000
(4) Judge of a county court (not learned in the law)	27,000	29,500	31,500

Sec. 3. Minnesota Statutes 1978, Section 15A.083, Subdivision 2, is amended to read:

Subd. 2. [COUNTY COURT AND COUNTY MUNICIPAL JUDGES.] (1) Notwithstanding any other law to the contrary, the salary paid to a judge of a county court shall also be paid to judges of the probate court of St. Louis county and to judges of the Duluth municipal court.

(2) Judges of the county municipal courts, and county courts in the counties of Hennepin, Ramsey, Washington, Anoka, Scott, St. Louis, Carver and Dakota ~~shall receive a salary of \$42,000~~ shall receive a salary of \$45,000, effective July 1, 1979, and \$48,000, effective July 1 1980.

(3) If any judge enumerated in this subdivision dies while in office, the amount of his salary remaining unpaid for the month in which his death occurs, shall be paid to his estate.

Sec. 4. Minnesota Statutes 1978, Section 15A.083, Subdivision 4, is amended to read:

Subd. 4. [RANGES FOR OTHER JUDICIAL POSITIONS.] Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of positions any position for which ranges have a salary range has been provided shall fix the individual salaries under the provisions of section 15A.081, subdivision 2 salary within the prescribed range, considering the qualifications and overall performance of the employee. Appointments to fill vacancies shall not be made above the midpoint of the salary range prescribed for the position unless the personnel board has been consulted in advance and its approval obtained. Any salary increase that would adjust an employee's rate of pay beyond the midpoint of the range prescribed for the position must be approved in advance by the personnel board.

		Salary or Range	
		Effective July 1, 1979	Effective July 1, 1980
Public defender	\$35,000	\$37,500	\$40,000
District administrator	25,000-35,000	27,000-37,500	28,500-40,000
County attorneys council executive director	20,400-29,700	22,000-32,000	23,500-34,000
Board on judicial standards executive director		36,000	38,000
State court administrator		44,500	47,000

Sec. 5. Minnesota Statutes 1978, Section 43.067, Subdivision 4, is amended to read:

Subd. 4. [LIMIT ON POLITICAL SUBDIVISION SALARIES.] Notwithstanding any other law to the contrary, no salary of a person employed by a city, county, town, school district, metropolitan or regional agency, or other political subdivision of the state may exceed 110 percent of the highest salary of the commissioner of finance plus the maximum permissible achievement award under section 43.069 listed in section 15A.081, subdivision 1.

Sec. 6. Minnesota Statutes 1978, Section 43.126, Subdivision 1, is amended to read:

43.126 [SPECIAL RATES OF PAY.] Subdivision 1. Notwithstanding the provisions of sections 43.12 and 43.121 to 43.123, the

following salary ranges are established with annual salaries as shown:

Range A	<del>\$29,000</del> \$32,000	to	<del>\$40,500</del> \$45,000
Range B	<del>\$35,500</del> \$37,000	to	<del>\$48,000</del> \$54,000
Range C	<del>\$40,000</del> \$42,000	to	<del>\$57,500</del> \$67,500

**Sec. 7. [TEMPORARY PROVISION.]** *No incumbent whose salary is prescribed in section 15A.083 shall suffer a decrease in salary as a result of this act. If the midpoint of the salary range prescribed by section 15A.083 is less than the salary the incumbent is earning on the day prior to the effective date of this act, the incumbent shall continue to receive that salary for as long as he holds that position, but he shall not be eligible for increases (1) until his salary is no longer higher than the midpoint of the range for that position or (2) unless the personnel board approves an increase.*

**Sec. 8. [REPEALER.]** *Minnesota Statutes 1978, Section 15A.083, Subdivision 4a, is repealed.*

**Sec. 9.** *Article II is effective July 1, 1979."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 17, delete ", Subdivision 1"

Page 1, line 18, before "15A.13" insert "15A.083, Subdivisions 1, 2, and 4;"

Page 1, line 20, delete "Subdivision" and insert "Subdivisions" and after "3" insert "and 4"

Page 1, line 24, before "43.127" insert "43.126, Subdivision 1;"

Page 2, line 4, after "Sections" insert "15A.083, Subdivision 4a;"

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

#### SECOND READING OF SENATE BILLS

S. F. No. 1519 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Davies moved that S. F. No. 528 be taken from the table. The motion prevailed.

S. F. No. 528: A bill for an act relating to courts; conforming civil fees collected by the Hennepin county municipal court with the district court; amending Minnesota Statutes 1978, Section 488A.03, Subdivision 11.

Mr. Davies moved that the Senate do not concur in the amendments by the House to S. F. No. 528 and that a Conference Committee of 3 members be appointed by the Subcommit-

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

S. F. No. 219 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S. F. NO. 219**

A bill for an act relating to state government; abolishing achievement awards for commissioners and deputy constitutional officers; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 6; 43.062, Subdivision 3; and 43.067, Subdivision 4; repealing Minnesota Statutes 1978, Section 43.069.

May 16, 1979

The Honorable Edward J. Gearty  
President of the Senate

The Honorable Rod Searle  
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 219, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and S. F. No. 219 be further amended as follows:

Page 2, line 24, delete "110" and insert "105"

Further, amend the title as follows:

Page 1, line 2, after "state" insert "and local"

Page 1, line 3, after "for" insert "state"

Page 1, line 4, after "officers;" insert "modifying salary limitations on employees of certain political subdivisions;"

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

Senate Conferees (Signed): Tom A. Nelson, John C. Chenoweth, Robert O. Ashbach

House Conferees (Signed): Leo J. Reding, Stephen G. Wenzel, Gilbert D. Esau, Kenneth P. Zubay

Mr Nelson moved that the foregoing recommendations and Conference Committee Report on S. F. No. 219 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S. F. No. 219: A bill for an act relating to state government; abolishing achievement awards for commissioners and deputy

constitutional officers; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 6; 43.062, Subdivision 3; and 43.067, Subdivision 4; repealing Minnesota Statutes 1978, Section 43.069.

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

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

The roll was called, and there were yeas 49 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Menning	Purfeerst	Stokowski
Bang	Gearly	Merriam	Renneke	Strand
Benedict	Gunderson	Moe	Rued	Stumpf
Bernhagen	Hanson	Nelson	Schaaf	Tennessee
Brataas	Hughes	Nichols	Schmitz	Ueland, A.
Chenoweth	Keefe, S.	Olhoft	Setzepfandt	Ulland, J.
Coleman	Kleinbaum	Olson	Sieloff	Vega
Davis	Knaak	Penny	Sikorski	Wegener
Dieterich	Lessard	Peterson	Sillers	Willet
Dunn	Luther	Pillsbury	Staples	

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Tennessee moved that H. F. No. 738 be taken from the table. The motion prevailed.

H. F. No. 738: A bill for an act relating to the collection and dissemination of data; classifying data; clarifying information practices; extending the period of time during which the emergency classifications of data may be made; defining terms; clarifying the duties of the responsible authority; providing remedies; prescribing penalties; amending Minnesota Statutes 1978, Sections 15.1642, Subdivisions 3 and 5; and 15.165; and Chapter 15, by adding sections; repealing Minnesota Statutes 1978, Sections 15.162; 15.163; 15.1641; 15.1642, Subdivision 4; 15.166; 15.167; 15.1671; 15.169; and 15.17, Subdivision 4.

Mr. Tennessee moved to amend H. F. No. 738 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1978, Section 15.162, Subdivision 1, is amended to read:

15.162 [COLLECTION, SECURITY AND DISSEMINATION OF RECORDS; DEFINITIONS.] Subdivision 1. As used in sections 15.162 to 15.1671 and sections 10 to 12, the terms defined in this section have the meanings given them.

Sec. 2. Minnesota Statutes 1978, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. “Confidential data on individuals” means data which is: (a) made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or

(b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling, upon the granting or refusal to grant an emergency *a temporary* classification pursuant to section 15.1642 of both criminal and civil investigative data, or on July 31, 1979 1980 , whichever occurs first.

Sec. 3. Minnesota Statutes 1978, Section 15.162, is amended by adding a subdivision to read:

*Subd. 10. "Designee" means any person designated by a responsible authority to be in charge of individual files or systems containing data on individuals.*

Sec. 4. Minnesota Statutes 1978, Section 15.163, is amended to read:

15.163 [DUTIES OF RESPONSIBLE AUTHORITY.] Subdivision 1. [ANNUAL INVENTORY OF RECORDS.] *The responsible authority may appoint one or more designees to be in charge of each file or system containing data on individuals. On or before August 1, 1976, The responsible authority shall prepare a public document containing his name, title and address, and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by his state agency, statewide system, or political subdivision. Forms used to collect private and confidential data shall be included in the public document. Beginning August 1, 1977 and annually thereafter, the responsible authority shall update the public document and make any changes necessary to keep it accurate maintain the accuracy of the document. The document shall be available from the responsible authority to the public in accordance with the provisions of section 15.17 .*

Subd. 2. The commissioner may require responsible authorities to submit copies of the public document required in subdivision 1, and may request additional information relevant to data collection practices, policies and procedures.

Subd. 3. [STANDARDS FOR COLLECTION AND STORAGE.] *Collection, storage, use, and dissemination of data on individuals by political subdivisions, statewide systems and state agencies is limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body, or mandated by federal law.*

Subd. 4. [COLLECTION AND USE OF DATA; GENERAL RULE.] *Private or confidential data on an individual shall not be collected, stored, used or disseminated by political subdivisions, statewide systems or state agencies for any purposes other than*

*those stated to the individual at the time of collection in accordance with section 15.165, except as provided in this subdivision.*

*(a) Data collected prior to August 1, 1975, and which have not been treated as public data, may be used and disseminated for the purposes for which the data was originally collected or for purposes which are specifically approved by the commissioner as necessary to public health, safety, or welfare.*

*(b) Private or confidential data may be used and disseminated to individuals or agencies specifically authorized access to that data by state or federal law subsequent to the collection of the data.*

*(c) Private or confidential data may be used and disseminated to individuals or agencies subsequent to the collection of the data when specifically approved by the commissioner as necessary to carry out a function assigned by law.*

*(d) Private data may be used by and disseminated to any person or agency if the individual subject or subjects of the data have given their informed consent. Whether a data subject has given informed consent shall be determined by rules of the commissioner. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about him or her to an insurer or its authorized representative, unless the statement is:*

*(1) In plain language;*

*(2) Dated;*

*(3) Specific as to the persons and agencies he or she is authorizing to disclose information about him or her who are known at the time the authorization is signed, and general as to others whose specific identity is not known at the time the authorization is signed;*

*(4) Specific as to the nature of the information he or she is authorizing to be disclosed;*

*(5) Specific as to the persons or agencies to whom he or she is authorizing information to be disclosed;*

*(6) Specific as to the purpose(s) for which the information may be used by any of the parties named in clause (5), both at the time of the disclosure and at any time in the future;*

*(7) Specific as to its expiration date which should be for a reasonable period of time, not to exceed one year, and in the case of life insurance or noncancelable or guaranteed renewable health insurance, two years after the date of the policy.*

*Subd. 5. [DATA PROTECTION.] The responsible authority shall (1) establish procedures to assure that all data on individuals is accurate, complete, and current for the purposes for which it was collected; and (2) establish appropriate security safeguards for all records containing data on individuals.*

*Subd. 6. [CONTRACTS.] Except as provided in section 10, in any contract between a governmental unit subject to this act and any person, when the contract requires that data on individuals be made available to the contracting parties by the governmental unit, that data shall be administered consistent with sections 15.162 to 15.1671 and sections 10 to 12. A contracting party shall maintain the data on individuals which it received according to the statutory provisions applicable to the data.*

*Subd. 7. [PREPARATION OF SUMMARY DATA.] The use of summary data derived from private or confidential data on individuals under the jurisdiction of one or more responsible authorities shall be permitted. Summary data is public. The responsible authority shall prepare summary data from private or confidential data on individuals upon the request of any person, provided that the request is in writing and the cost of preparing the summary data is borne by the requesting person. The responsible authority may delegate the power to prepare summary data (1) to the administrative officer responsible for any central repository of summary data; or (2) to a person outside of its agency if the person agrees in writing not to disclose, and the agency reasonably determines that the access will not compromise, private or confidential data on individuals.*

*Subd. 8. [PUBLICATION OF ACCESS PROCEDURES.] The responsible authority shall prepare a public document setting forth in writing the rights of the data subject pursuant to section 15.165 and the specific procedures in effect in the state agency, statewide system or political subdivision for access by the data subject to public or private data on individuals.*

Sec. 5. Minnesota Statutes 1978, Section 15.1642, Subdivision 1, is amended to read:

15.1642 [TEMPORARY CLASSIFICATION.] Subdivision 1. [APPLICATION.] The responsible authority of a state agency, political subdivision or statewide system may apply to the commissioner for permission to classify data or types of data on individuals as private or confidential, for its own use and for the use of other similar agencies, political subdivisions or statewide systems on an emergency a temporary basis until a proposed statute can be acted upon by the legislature. The application for emergency temporary classification is public.

Upon the filing of an application for emergency temporary classification, the data which is the subject of the application shall be deemed to be classified as set forth in the application for a period of 30 days, or until the application is disapproved or granted by the commissioner, whichever is earlier.

Sec. 6. Minnesota Statutes 1978, Section 15.1642, Subdivision 2, is amended to read:

Subd. 2. [CONTENTS OF APPLICATION.] An application for emergency temporary classification shall include and the applicant shall have the burden of clearly establishing at least the following information:

(a) That no statute currently exists which either allows or forbids classification as private or confidential;

(b) That data similar to that for which the *emergency temporary* classification is sought has been treated as either private or confidential by other state agencies or political subdivisions, and by the public or that release of the data would constitute an unwarranted intrusion into an individual's personal privacy, or render unworkable a program authorized by law ; and

(c) That a compelling need exists for immediate *emergency temporary* classification, which if not granted could adversely affect the public interest or the health, safety, well being or reputation of the data subject.

Sec. 7. Minnesota Statutes 1978, Section 15.1642, Subdivision 3, is amended to read:

Subd. 3. [DETERMINATION.] The commissioner shall either grant or disapprove the application for *emergency temporary* classification within 30 days after it is filed. If the commissioner disapproves the application, he shall set forth in detail his reasons for the disapproval, and shall include a statement of what classification he believes is appropriate for the data which is the subject of the application. Ten *Twenty* days after the date of the commissioner's disapproval of an application, the data which is the subject of the application shall become public data on individuals, unless the responsible authority submits an amended application for *emergency temporary* classification which requests the classification deemed appropriate by the commissioner in his statement of disapproval or which sets forth additional information relating to the original proposed classification. Upon the filing of an amended application, the data which is the subject of the amended application shall be deemed to be classified as set forth in the amended application for a period of 15 days or until the amended application is granted or disapproved by the commissioner, whichever is earlier. The commissioner shall either grant or disapprove the amended application within 15 days after it is filed. Five working days after the date of the commissioner's disapproval of the amended application, the data which is the subject of the application shall become public data on individuals. No more than one amended application may be submitted for any single file or system which contains data on individuals.

If the commissioner grants an application for *emergency temporary* classification, it shall become effective immediately, and the complete record relating to the application shall be submitted to the attorney general, who shall review the classification as to form and legality. Within 20 days, the attorney general shall approve the classification, disapprove a classification as confidential but approve a classification as private, or disapprove the classification. If the attorney general disapproves a classification, the data which is the subject of the classification shall become public data five working days after the date of the attorney general's disapproval.

Sec. 8. Minnesota Statutes 1978, Section 15.1642, Subdivision 5, is amended to read:

Subd. 5. [EXPIRATION OF EMERGENCY CLASSIFICATION.] *Emergency classifications granted before the effective date of this act are redesignated as temporary classifications. All emergency temporary classifications granted under this section prior to the effective date of this act and still in effect shall expire on July 31, 1979 1980 . No emergency classifications shall be granted after July 31, 1979. On or before January 15 of each year, the commissioner shall submit all temporary classifications granted in the prior year in bill form for legislative consideration. For purposes of this section, all temporary classifications granted prior to December 1, 1979, shall be treated as if they were granted in 1979. Unless enacted by law, each temporary classification so submitted shall expire one year after being granted and may not be renewed.*

Sec. 9. Minnesota Statutes 1978, Section 15.166, is amended to read:

15.166 [CIVIL PENALTIES.] Subdivision 1. Notwithstanding section 466.03, a political subdivision responsible authority or state agency which violates any provision of sections 15.162 to 15.1671 and sections 10 to 12 is liable to a person who suffers any damage as a result of the violation, and the person damaged may bring an action against the political subdivision, responsible authority, statewide system or state agency to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the political subdivision, statewide system or state agency shall, in addition, be liable to exemplary damages of not less than \$100, nor more than \$1,000 \$10,000 for each violation. The state is deemed to have waived any immunity to a cause of action brought under sections 15.162 to 15.1671 and sections 10 to 12.

Subd. 2. A political subdivision, responsible authority, statewide system or state agency which violates or proposes to violate sections 15.162 to 15.1671 and sections 10 to 12 or section 15.17, subdivision 4 may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate sections 15.162 to 15.1671 and sections 10 to 12 or section 15.17, subdivision 4.

Subd. 3. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd. 4. *In addition to the remedies provided in subdivisions 1 to 3 or any other law, any person may bring an action in district court to compel compliance with sections 15.162 to 15.1671 and sections 10 to 12 and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court.*

Sec. 10. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1691] [WELFARE DATA.] *Subdivision 1. [DEFINITIONS.] (a) "Directory information" means name of the patient, date admitted, general condition, and date released.*

*(b) "Individual" means an individual pursuant to section 15.162, subdivision 4, but does not include a vendor of services.*

*(c) "Program" includes all programs for which authority is vested in a component of the welfare system pursuant to statute or federal law.*

*(d) "Welfare system" includes the department of public welfare, county welfare boards, human services boards, community mental health boards, state hospitals, state nursing homes, and persons, agencies, institutions, organizations and other entities under contract to any of the above agencies to the extent specified in the contract.*

*Subd. 2. [GENERAL.] Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:*

*(a) Pursuant to section 15.163;*

*(b) Pursuant to a valid court order;*

*(c) Pursuant to a statute specifically authorizing access to the private data;*

*(d) To cooperate with an investigation, prosecution, criminal or civil proceeding relating to the administration of a program;*

*(e) To determine eligibility, amount of assistance, and the need to provide services of a program to the individual;*

*(f) To administer federal funds or programs; or*

*(g) Between personnel of the welfare system working in the same program.*

*Subd. 3. [INVESTIGATIVE DATA.] Data collected, maintained, used or disseminated by the welfare system in an investigation, authorized by statute and relating to the enforcement of rules or law, is confidential pursuant to section 15.162, subdivision 2a, and shall not be disclosed except:*

*(a) Pursuant to section 15.163;*

*(b) Pursuant to statute or valid court order;*

*(c) To a party named in a civil or criminal proceeding, administrative or judicial, for preparation of defense.*

*After presentation in evidence at any public hearing, or if not presented, after final disposition of the charge, the data shall be public data on individuals.*

**Subd. 4. [LICENSING DATA.]** All data pertaining to persons licensed or registered under the authority of the commissioner of public welfare, except for personal and financial data submitted by applicants and licensees under the home day care program and the family foster care program, is public data. Personal and financial data on home day care program and family foster care program applicants and licensees is private data pursuant to section 15.162, subdivision 5a.

**Subd. 5. [MEDICAL DATA; CONTRACTS.]** Data relating to the medical, psychiatric or mental health of any person, including diagnosis, progress charts, treatment received, case histories, and opinions of health care providers, which is collected, maintained, used or disseminated by a private health care provider under contract to any agency of the welfare system is private data on individuals, and is subject to the provisions of sections 15.162 to 15.1671, and this section, except that the provisions of section 15.165, subdivision 3, shall not apply.

**Subd. 6.** Access to medical data by the individual who is the subject of the data is subject to the provisions of section 144.335.

**Subd. 7. [PUBLIC HOSPITALS; DIRECTORY INFORMATION.]** If a person is a patient in a hospital pursuant to legal commitment, directory information is public data. If a person is a patient other than pursuant to commitment in a hospital controlled by a state agency or political subdivision, directory information is public data unless the patient requests otherwise, in which case it is private data on individuals.

Directory information about an emergency patient which is public under this subdivision shall not be released until a reasonable effort is made to notify the next of kin. Although an individual has requested that directory information be private, the hospital may release directory information to a law enforcement agency pursuant to a lawful investigation pertaining to that individual.

**Subd. 8. [OTHER DATA.]** Data collected, used, maintained or disseminated by the welfare system that is not data on individuals is public pursuant to section 15.17.

Sec. 11. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1692] **[PERSONNEL DATA.]** Subdivision 1. As used in this section, "personnel data" means data on individuals collected because the individual is or was an employee of or an applicant for employment by a state agency, statewide system or political subdivision.

**Subd. 2.** Except for employees described in subdivision 5, the following personnel data on current and former employees of a state agency, statewide system or political subdivision is public: name; actual gross salary; salary range; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and

*training background; previous work experience; date of first and last employment; the status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; and the final disposition of any disciplinary action and supporting documentation.*

*Subd. 3. Except for applicants described in subdivision 5, the following personnel data on current and former applicants for employment by a state agency, statewide system or political subdivision is public: veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy.*

*Subd. 4. All other personnel data is private data on individuals.*

*Subd. 5. All personnel data maintained by any state agency, statewide system or political subdivision relating to an individual employed as or an applicant for employment as an undercover law enforcement officer is private data on individuals.*

**Sec. 12.** Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1693] [EDUCATIONAL DATA.] *Subdivision 1. (a) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student, but does not include:*

*(1) Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year;*

*(2) Records of a law enforcement unit of a public educational agency or institution which are maintained apart from the records described in clause (a) and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit; or*

*(3) Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose.*

*(b) "Student" includes a person currently or formerly enrolled or registered, and applicants for enrollment or registration at a public educational agency or institution.*

*(c) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds the maker of the record in his position.*

*Subd. 2. Except as provided in subdivision 4, educational data is private data on individuals and shall not be disclosed except as follows:*

- (a) Pursuant to section 15.163;*
- (b) Pursuant to a valid court order;*
- (c) Pursuant to a statute specifically authorizing access to the private data;*
- (d) To disclose information in health and safety emergencies pursuant to the provisions of 20 U.S.C. Sec. 1232g(b)(1)(I) and 45 C.F.R. Sec. 99.36 which are in effect on the effective date of this section; or*
- (e) Pursuant to the provisions of 20 U.S.C. 1232(g)(b)(1), (b)(4)(A), (b)(4)(B), (b)(1)(B), (b)(3) and 45 C.F.R. Sec. 99.31, Sec. 99.32, Sec. 99.33, Sec. 99.34 and Sec. 99.35 which are in effect on the effective date of this section.*

*Subd. 3. A student shall not have the right of access to private data provided in section 15.165, subdivision 3, as to financial records and statements of his parents or any information contained therein.*

*Subd. 4. Information designated as directory information pursuant to the provisions of 20 U.S.C. Sec. 1232 g and regulations adopted pursuant thereto which are in effect on the effective date of this section is public data on individuals.*

**Sec. 13. [REPEALER.] Minnesota Statutes 1978, Sections 15.1641; 15.1642, Subdivision 4; and 15.169; are repealed.**

**Sec. 14. [EFFECTIVE DATE.] This act is effective July 1, 1979."**

Delete the title and insert:

"A bill for an act relating to collection and dissemination of data; classifying data; extending the period of time during which emergency classifications of data may be made; clarifying the duties of the responsible authority; providing remedies; amending Minnesota Statutes 1978, Sections 15.162, Subdivisions 1 and 2a, and by adding a subdivision; 15.163; and 15.1642, Subdivisions 1, 2, 3 and 5; 15.166; and Chapter 15, by adding sections; repealing Minnesota Statutes 1978, Sections 15.1641; 15.1642, Subdivision 4; and 15.169."

The motion prevailed. So the amendment was adopted.

Mr. Tennessen then moved to amend H. F. No. 738, as amended by the Senate, May 17, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 1213.)

Page 16, after line 1, insert

"Sec. 13. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1694] [ATTORNEYS.] *Notwithstanding the provisions of Minnesota Statutes, Sections 15.162 to 15.17, the use, collection, storage, and dissemination of data by an attorney acting in his professional capacity for the state, a state agency or a political subdivision shall be governed by statutes, rules, and professional standards concerning discovery, production of documents, introduction of evidence, and professional responsibility; provided that this section shall not be construed to affect the applicability of any statute, other than sections 15.162 to 15.17, which specifically requires or prohibits disclosure of specific information by the attorney, nor shall this section be construed to relieve any responsible authority, other than the attorney, from his duties and responsibilities pursuant to sections 15.162 to 15.17."*

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Tennesen, for Mr. McCutcheon, moved to amend H. F. No. 738, as amended by the Senate, May 17, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 1213.)

Page 16, after line 1, insert:

"Sec. 14. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.1695] [LAW ENFORCEMENT DATA.] *Subdivision 1. When collected, created, or maintained by law enforcement agencies including municipal police departments, county sheriff departments, the bureau of criminal apprehension, the Minnesota state patrol, the peace officers standards and training board, or public prosecutors or defenders:*

(a) *Data on participants in crime prevention programs including lists of property with identification numbers or evaluations or recommendations related to structural security against unauthorized entry is private;*

(b) *Data on individuals who have supplied information with the understanding that their identity will not be revealed is private;*

(c) *Examinations and answer keys are confidential.*

Subd. 2. *Nothing in this chapter shall prohibit:*

(a) *The exchange of information by law enforcement agencies provided the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing an investigation;*

(b) *The furnishing of information to a law enforcement agency by any governmental entity upon a showing by the law enforcement agency that the requested information is pertinent and necessary to the initiation, furtherance, or completion of an investigation.*

*Subd. 3. Information reflecting deliberative processes or investigative techniques of law enforcement agencies is confidential; provided that information, reports, or memoranda which have been adopted as the final opinion or justification for decision of a law enforcement agency are public.*

*Subd. 4. Nothing in this section shall be held to expand or limit the scope of discovery available at law to any party in a civil, criminal, or administrative proceeding."*

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

H. F. No. 738 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 0, as follows:

Those who voted in the affirmative were:

Benedict	Frederick	Knutson	Pillsbury	Sillers
Bernhagen	Gearty	Laufenburger	Purfeerst	Staples
Brataas	Gunderson	Lessard	Renneke	Stokowski
Chenoweth	Hughes	Luther	Rued	Strand
Coleman	Humphrey	McCutcheon	Schaaf	Tenessen
Davies	Jensen	Merriam	Schmitz	Ueland, A.
Dieterich	Johnson	Nelson	Setzpfandt	Ulland, J.
Dunn	Keefe, S.	Olhoft	Sieloff	Vega
Engler	Knaak	Peterson	Sikorski	Willet

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Tennessen moved that S. F. No. 1213, No. 9 on Special Orders, be stricken and laid on the table. The motion prevailed.

#### CALL OF THE SENATE

Mr. Luther imposed a call of the Senate for the proceedings on S. F. No. 129. The following Senators answered to their names:

Benedict	Frederick	Knutson	Purfeerst	Strand
Bernhagen	Gearty	Laufenburger	Renneke	Stumpf
Brataas	Gunderson	Lessard	Rued	Tenessen
Chenoweth	Hughes	Luther	Schaaf	Ueland, A.
Coleman	Humphrey	Merriam	Sieloff	Ulland, J.
Davies	Jensen	Nelson	Sikorski	Vega
Dieterich	Johnson	Olhoft	Sillers	Willet
Dunn	Kleinbaum	Peterson	Staples	
Engler	Knaak	Pillsbury	Stokowski	

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

#### SPECIAL ORDER

S. F. No. 129: A bill for an act relating to reapportionment of the legislature and congressional districts; proposing an amendment

to the Minnesota Constitution, Article IV, Sections 2, 3 and 4 to provide for establishment of the boundaries of congressional and legislative districts by a commission, removing the requirement that all senators be elected at the first general election following an apportionment and limiting the power of the legislature to change the number of senators and representatives; implementing the proposed amendment by providing by law for the duties, powers and operation of the commission; and repealing Minnesota Statutes 1978, Sections 2.041 to 2.712 and 2.731 to 2.811.

Mr. Sieloff moved to amend S. F. No. 129 as follows:

Page 12, after line 8, insert:

*“Sec. 13. Subdivision 1. The secretary of state shall prepare and distribute sufficient copies of the statement required under Minnesota Statutes, Section 3.21; to provide one copy for each polling booth and voting machine in the state. The copies shall be of a size suitable to be posted inside the booth or inside the curtains surrounding the machine.*

*Subd. 2. The election judges in each precinct shall post a copy of the statement described in subdivision 1 in every polling booth or voting machine in the precinct in a manner which makes it visible to the voter while voting.*

*Subd. 3. The pink ballot on which is printed the question provided in section 2 shall also contain the following statement in a conspicuous place on the ballot:*

*“A copy of the full text of the amendment is required by law to be posted in the polling booth for examination by the voter.””*

Renumber the sections in sequence

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

Mr. Knutson moved to amend S. F. No. 129 as follows:

Page 1, line 20, delete the comma and insert “and”

Page 1, line 20, delete “and 4”

Page 2, delete lines 13 to 22

Page 4, line 16, delete “state”

Page 4, line 16, after “representatives” insert “, senators”

Page 4, line 18, delete “and shall govern” and insert a period

Page 4, delete lines 19 to 21

Amend the title as follows:

Page 1, line 5, delete the comma and insert “and”

Page 1, line 5, delete “and 4”

Page 1, line 7, delete “, removing the”

Page 1, delete lines 8 and 9

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 35, as follows:

Those who voted in the affirmative were:

Ashbach	Dieterich	Kirchner	Merriam	Sieloff
Bang	Dunn	Knaak	Ogdahl	Strand
Bernhagen	Engler	Knoll	Penny	Ueland, A.
Brataas	Frederick	Knutson	Renneke	Ulland, J.
Davies	Keefe, J.	Lessard	Rued	Willet

Those who voted in the negative were:

Benedict	Humphrey	Menning	Peterson	Spear
Chenoweth	Jensen	Moe	Pillsbury	Staples
Coleman	Johnson	Nelson	Purfeerst	Stokowski
Gearty	Keefe, S.	Nichols	Schaaf	Stumpf
Gunderson	Kleinbaum	Olhoft	Schmitz	Tennessen
Hanson	Laufenburger	Olson	Setzepfandt	Vega
Hughes	Luther	Perpich	Sikorski	Wegener

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

Mr. Humphrey moved to amend S. F. No. 129 as follows:

Page 3, line 30, after the period, insert "*The population of a legislative district shall not vary by more than three percent from the average population of all districts of the same kind.*"

Page 8, line 28, after "district" insert a semicolon and strike the rest of line 28

Page 8, strike line 29

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

Mr. Benedict moved to amend S. F. No. 129 as follows:

Page 5, line 7, after "districts" insert "and to allow state senators to serve out the terms to which they were elected after reapportionment"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 17, as follows:

Those who voted in the affirmative were:

Benedict	Hanson	Lessard	Olhoft	Sikorski
Chenoweth	Hughes	Luther	Penny	Spear
Coleman	Humphrey	McCutcheon	Perpich	Staples
Davies	Johnson	Menning	Peterson	Strand
Dieterich	Keefe, S.	Merriam	Purfeerst	Stumpf
Dunn	Kleinbaum	Moe	Schaaf	Tennessen
Gearty	Knoll	Nelson	Schmitz	Vega
Gunderson	Laufenburger	Nichols	Setzepfandt	Wegener

Those who voted in the negative were:

Bang	Jensen	Ogdahl	Sieloff	Willet
Bernhagen	Kirchner	Pillsbury	Sillers	
Engler	Knaak	Renneke	Ueland, A.	
Frederick	Knutson	Rued	Ulland, J.	

The motion prevailed. So the amendment was adopted.

Mr. Sieloff moved to amend S. F. No. 129 as follows:

Delete everything after the enacting clause and insert:

“Section 1. Subdivision 1. An amendment to the Minnesota Constitution is proposed to the people as provided by subdivision 2.

Subd. 2. If the amendment is adopted, Article IV, Section 3, will read as follows:

Sec. 3. [CENSUS ENUMERATION APPORTIONMENT; CONGRESSIONAL AND LEGISLATIVE DISTRICT BOUNDARIES; SENATE DISTRICTS.] At its first session after each enumeration of the inhabitants of this state made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional and legislative districts. *The power to prescribe the bounds of congressional or legislative districts, or both, may be delegated to a commission established by law. If so delegated, the decision of the commission is not subject to veto by the governor or the legislature. Section 5 of this article does not apply to a commission established under this section. The selection of members of a commission may be determined by law.* Senators shall be chosen by single districts of convenient contiguous territory. No representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series.

Sec. 2. The amendment shall be submitted to the people at the 1980 general election. The question proposed shall be: “Shall the Minnesota Constitution be amended to permit the creation of a commission to establish congressional or legislative districts, or both?”

Yes.....  
No.....” ”

Amend the title as follows:

Delete the title and insert:

“A bill for an act relating to reapportionment of legislative and congressional districts; proposing an amendment to the Minnesota Constitution, Article IV, Section 3, to permit the creation by law of a commission to reapportion congressional or legislative districts, or both.”

The question was taker, on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 40, as follows:

Those who voted in the affirmative were:

Bang	Engler	Knutson	Olson	Sieloff
Bernhagen	Frederick	Laufenburger	Perpich	Sillers
Brataas	Keefe, J.	McCutcheon	Renneke	Tennessee
Davies	Knaak	Merriam	Rued	Ulland, J.

Those who voted in the negative were:

Benedict	Coleman	Dunn	Gunderson	Hughes
Chenoweth	Dieterich	Gearty	Hanson	Humphrey

Jensen	Lessard	Olhoff	Schmitz	Stokowski
Johnson	Luther	Penny	Setzpfandt	Strand
Keefe, S.	Menning	Peterson	Sikorski	Stumpf
Kirchner	Moe	Pillsbury	Solon	Vega
Kleinbaum	Nelson	Purfeerst	Spear	Wegener
Knoll	Nichols	Schaaf	Staples	Willet

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

S. F. No. 129 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 14, as follows:

Those who voted in the affirmative were:

Bang	Humphrey	Luther	Peterson	Staples
Benedict	Jensen	McCutcheon	Pillsbury	Strand
Chenoweth	Johnson	Menning	Purfeerst	Stumpf
Coleman	Keefe, S.	Moe	Renneke	Ueland, A.
Dieterich	Kirchner	Nelson	Rued	Ulland, J.
Dunn	Kleinbaum	Nichols	Schaaf	Vega
Gearty	Knaak	Ogdahl	Schmitz	Wegener
Gunderson	Knoll	Olhoff	Sikorski	Willet
Hanson	Laufenburger	Olson	Solon	
Hughes	Lessard	Penny	Spear	

Those who voted in the negative were:

Bernhagen	Engler	Knutson	Setzpfandt	Stokowski
Brataas	Frederick	Merriam	Sieloff	Tennessee
Davies	Keefe, J.	Perpich	Sillers	

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

#### MEMBERS EXCUSED

Mr. Knoll was excused from the Session of today until 9:00 o'clock p.m. Mr. Penny was excused from the Session of today from 8:45 to 9:15 o'clock p.m.

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 1:30 o'clock p.m., Friday, May 18, 1979. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate