

FIFTY-EIGHTH DAY

St. Paul, Minnesota, Saturday, May 19, 1979

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

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

Anderson	Engler	Laufenburger	Perpich	Stokowski
Ashbach	Frederick	Lessard	Pillsbury	Strand
Bang	Gearty	Luther	Purfeerst	Stumpf
Benedict	Gunderson	Menning	Rued	Tennessen
Bernhagen	Hanson	Merriam	Schmitz	Ueland, A.
Chmielewski	Hughes	Moe	Setzepfandt	Ulland, J.
Coleman	Humphrey	Nichols	Sieloff	Vega
Davies	Johnson	Ogdahl	Sikorski	Wegener
Dieterich	Kirchner	Olhoft	Sillers	Willet
Dunn	Kleinbaum	Penny	Spear	

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

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

Anderson	Frederick	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	Tennessen
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	Olhoft	Sikorski	Willet

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. Knutson was excused from the Session of today until 1:00 o'clock p. m.

REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed by the Secretary of the Senate: Department of Education, Minnesota Cooperative Service Units, 1978-79; Department of Human Rights, Biennial Report 1977-78; Department of Veterans' Affairs, Biennial Report, 1976-78; Teachers Retirement Association, Forty-seventh Annual Report of the Board of Trustees, 1977-78; Metropolitan Council, Evaluation of the St. Paul Downtown People Mover; Department of Natural Resources, Biennial Report, 1978-79; Iron Range Resources and Rehabilitation Board, Biennial Report, 1976-78; Department of Health, Results of Monitoring Power Lines, 1979; Department of Personnel, Report on Pay Range Assignment of Doctors of Medicine; Department of Economic Development, Small Business Set Aside Law, Biennial Report, 1977-78; Department of Finance, Public Employment Study, Review of Current Benefit Plan Practice, 1978; Department of Finance, Public Employment Study, Critique of Minnesota's State Personnel Position Classification Plan, 1978; Department of Finance, Public Employment Study, Comparison of Salary Practices of the Public and Private Sectors in Minnesota, 1979; Department of Finance, Public Employment Study, Major Findings, Policy Implications and Recommendations, 1979; Department of Finance, Public Employment Study, Recommended Job Content Evaluation and Salary Plan for the State of Minnesota, 1979; Department of Personnel, Report on State Employee Life and Health Benefits; Department of Public Safety, A New Motor Vehicle Noise Enforcement Procedure, 1979; Northwest Regional Development Commission, Annual Report, 1978; Department of Health, Biennial Report, 1978-79; State Board of Health, Report on Maternal and Child Nutrition Program; Department of Education, Results of Pre-School Health Screening Programs, 1979.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Keefe, S. introduced—

S. F. No. 1588: A bill for an act relating to insurance; providing for the operation of the Minnesota life and health insurance guaranty association; correcting certain oversights and ambiguities; making certain improvements; amending Minnesota Statutes 1978, Sections 61B.02, Subdivision 1; 61B.05, by adding a subdivision; 61B.07, Subdivisions 1, 2, 3 and 7; and 61B.15.

Referred to the Committee on Commerce.

Messrs. Stokowski and Strand introduced—

S. F. No. 1589: A bill for an act relating to retirement; disability retirement benefits; clarifying the various statutory provisions gov-

erning the entitlement for, payment of and computation of a disability benefit; creating a statewide review committee on disability benefits; appropriating money; amending Minnesota Statutes 1978, Sections 69.41; 69.43; 69.44; 352.01, Subdivisions 17 and 22, and by adding subdivisions; 352.113; 352B.01, by adding subdivisions; 352B.10; 352B.105; 352D.065, Subdivisions 2 and 3; 353.01, Subdivision 19, and by adding a subdivision; 353.33, Subdivisions 1, 2, 3, 4, 5, 6, 6a, 6b, 7, 8, 9 and 11, and by adding subdivisions; 353.656, Subdivisions 1, 3, 4, 5 and 6, and by adding subdivisions; 354.05, Subdivision 14, and by adding a subdivision; 354.48; 422A.01, by adding subdivisions; 422A.14; 422A.18, Subdivisions 1, 2, 3, 4, 5 and 7, and by adding subdivisions; 422A.34; 423.382; 423.388; 423.52; 423.53; 423.59; 423.801, Subdivision 4, and by adding subdivisions; 423.809, Subdivisions 1, 4, and by adding subdivisions; 424.19; 424.20; 424.25; 490.121, Subdivisions 13, 14 and 15; 490.124, Subdivision 4; and Chapters 69, by adding sections; 352B, by adding sections; 356, by adding sections; 423, by adding sections; and 424, by adding sections; repealing Minnesota Statutes 1978, Sections 353.656, Subdivision 2; and 423.54.

Referred to the Committee on Governmental Operations.

Messrs. Purfeerst, Menning, Peterson, Bernhagen and Benedict introduced—

S. F. No. 1590: A bill for an act relating to claims against the state; reimbursing owners for certain damage done by wild animals; appropriating money; amending Minnesota Statutes 1978, Chapter 3, by adding a section.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Stokowski introduced—

S. F. No. 1591: A bill for an act relating to retirement; authorizing the Minneapolis teachers retirement fund association to permit the purchase of military service credit by certain members.

Referred to the Committee on Governmental Operations.

Mr. McCutcheon, by request, introduced—

S. F. No. 1592: A bill for an act relating to financing of metropolitan government; requiring the metropolitan council to present a unified proposal to the legislature; imposing a sales tax in the metropolitan area; amending Minnesota Statutes 1978, Section 297A.02; and Chapter 473, by adding sections.

Referred to the Committee on Governmental Operations.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

May 17, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

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

S. F. No.	H. F. No.	Section Laws Chapter No.	Date Approved 1979	Date Filed 1979
144		91	May 17	May 17
276		92	May 17	May 17
660		93	May 17	May 17
708		94	May 17	May 17
980		95	May 17	May 17
1392		96	May 17	May 17
	148	97	May 17	May 17
	713	98	May 17	May 17
	715	99	May 17	May 17
	823	100	May 17	May 17
	859	101	May 17	May 17
	969	102	May 17	May 17
	1519	103	May 17	May 17

Sincerely,

Joan Anderson Growe
Secretary of State

May 18, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

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

S. F. No.	H. F. No.	Session Laws Chapter No.	Date Approved 1979	Date Filed 1979
988		104	May 17	May 17

Sincerely,

Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

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

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.

Senate File No. 129 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 18, 1979

Mr. Luther moved that the Senate do not concur in the amendments by the House to S. F. No. 129 and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a 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. 874: A bill for an act relating to the Memorial Hardwood Forest; directing the sale or exchange of certain tillable parcels; responsibility for roads; retention of easements; authorizing exemptions; appropriating money.

Senate File No. 874 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 18, 1979

CONCURRENCE AND REPASSAGE

Mr. Engler moved that the Senate concur in the amendments by the House to S. F. No. 874 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 874: A bill for an act relating to the Memorial Hardwood Forest; directing the sale or exchange of certain tillable parcels; responsibility for roads; retention of easements; authorizing exemptions.

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

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

The roll was called, and there were yeas 46 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Menning	Purfeerst	Stumpf
Bang	Jensen	Merriam	Rued	Tennessen
Benedict	Johnson	Moe	Schaaf	Ueland, A.
Bernhagen	Keefe, J.	Ogdahl	Schmitz	Ulland, J.
Brataas	Kirchner	Olhoff	Sieloff	Vega
Chmielewski	Kleinbaum	Olson	Sikorski	Wegener
Davies	Knaak	Penny	Sillers	
Engler	Laufenburger	Perpich	Spear	
Frederick	Lessard	Peterson	Stokowski	
Gearty	Luther	Pillsbury	Strand	

Mr. Dieterich voted in the negative.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 219 and repassed said bill in accordance with the report of the Committee, so 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.

Senate File No. 219 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 18, 1979

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1605 and 1606.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 18, 1979

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H. F. No. 1605: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state building bonds; appropriating money, and authorizing a special levy.

Mr. Moe moved that H. F. No. 1605 be laid on the table. The motion prevailed.

H. F. No. 1606: A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; authorizing purchase and sale of public lands and buildings; appropriating money.

Mr. Moe moved that H. F. No. 1606 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Mr. Laufenburger moved that the Committee Reports at the Desk be now adopted, with the exception of reports from the Committee on Rules and Administration. The motion prevailed.

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

Senate Resolution No. 32: A Senate resolution relating to Stanislaw Skrowaczewski; extending the gratitude of the people of the state of Minnesota for his contributions to the state.

Reports the same back with the recommendation that resolution be adopted.

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

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

Senate Concurrent Resolution No. 4. A Senate concurrent resolution recognizing the importance of children to the future of the State of Minnesota, and expressing support for the work of the United Nations and other agencies during 1979, the International Year of the Child.

Reports the same back with the recommendation that the resolution be adopted.

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

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

S. F. No. 787: A bill for an act relating to commerce; creating a small business assistance center within the department of economic development; appropriating money; amending Minnesota Statutes 1978, Sections 161.321, Subdivision 1; 362.42; and Chapter 362, by adding sections.

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

Page 3, delete lines 16 to 18

Reletter the clauses in sequence

Page 4, delete lines 22 and 23

Reletter the clauses in sequence

Page 5, delete lines 6 and 7

Page 5, line 8, delete "[362.45]" and insert "Sec. 4."

Page 5, line 13, after "*forms*" insert a comma

Page 5, line 18, delete "*committee*" and insert "*committees*"

Page 6, line 1, delete "*shall*" and insert "*should*"

Page 6, line 33, in the blank insert "*383,100*"

Page 7, line 2, delete "*biennium*" and insert "*fiscal year*"

Page 7, line 3, delete ", 1981" and insert "*in the years indicated*"

Page 7, after line 3, insert:

"1980	1981
\$191,500	\$191,600"

Page 7, line 4, delete "*authorized staff*" and insert "*approved*"

Page 7, line 5, in the blank insert "*10*"

Amend the title as follows:

Page 1, line 7, delete "*sections*" and insert "*a section*"

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

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

H. F. No. 1084: A bill for an act relating to financial reports; requiring the preparation of annual reports on state finances; appropriating money; amending Minnesota Statutes 1978, Sections 16A.055, 16A.50, 16A.55, Subdivision 1; repealing Minnesota Statutes 1978, Section 16A.55, Subdivisions 2 to 9.

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

Page 2, lines 11 to 15, delete all the language from "*The*" in line 11 through the period in line 15

Page 3, after line 2, insert:

"Nothing in this section shall be construed as authorizing the commissioner of finance to require any public retirement fund to adopt or implement financial or actuarial reporting practices or procedures that do not conform with the provisions of sections 356.20 or 356.215."

Page 3, line 15, delete "state-controlled" and insert "all state"

Page 3, line 31, delete "\$250,000" and insert "\$246,300"

Page 4, line 1, after "report" insert ", to be available for the fiscal year ending June 30 in the years indicated"

Page 4, line 3, delete "responsibilities shall be" and insert "responsibility is"

Page 4, line 4, delete "The complement of"

Page 4, delete lines 5 to 7 and insert:

"1980	1981
\$127,900	\$118,400

Approved Complement—5"

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. 480: A bill for an act relating to public health; authorizing the funding of a statewide poison information center; giving grant and program monitoring responsibilities to the commissioner of health; appropriating money.

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

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

Page 2, lines 3 and 4, delete ", annually commencing with the quarter"

Page 2, line 12, after "users" insert "and in a manner that appropriately utilizes "911" emergency telephone services developed pursuant to Minnesota Statutes, Chapter 403"

Page 2, line 27, delete "such" and insert "the"

Page 3, delete lines 8 to 11 and insert:

"Sec. 2. [APPROPRIATION.] The sum of the \$452,800 is appropriated from the general fund to the commissioner of health for the state poison information center, to be available for the fiscal year ending June 30 in the years indicated.

1980	1981
\$198,600	\$254,200"

Page 3, line 12, delete "Sections 1 and 2 are" and insert "Section 1 is"

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. 702: A bill for an act relating to health; requiring counties to establish local nursing home pre-admission screening teams; prescribing duties of the teams and the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1978, Chapter 256B, by adding a section.

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

Page 1, lines 16 to 18, delete all the language from "and" in line 16 through "home" in line 18

Page 2, lines 3 to 5, delete all the language from "and" in line 3 through "admission" in line 5

Page 3, lines 12 to 14, delete all the language from "and" in line 12 through "home" in line 14

Page 3, lines 17 and 18, delete "a sliding fee scale" and insert "the full cost of conducting the assessment"

Page 3, line 26, delete "and establish a" and insert a period

Page 3, delete lines 27 and 28

Page 4, lines 2 and 3, delete "nonscreened recipients" and insert "persons who were receiving medical assistance but were"

Page 4, line 3, after "1980" insert ", without first being screened"

Page 4, line 4, after "for" insert "(1)"

Page 4, line 8, before the period insert "; or (2) an eligible individual placed in the nursing home pending an appeal of the pre-admission screening team's decision; or (3) an eligible individual placed in the nursing home by a physician in an emergency situation, if the screening team has not made a decision within five working days of its initial contract"

Page 4, line 9, delete "Subd. 7." and insert "Sec. 2."

Page 4, line 11, delete "this section" and insert "section 1"

Page 4, delete lines 16 to 19 and insert:

"Sec. 3. [APPROPRIATION.] The sum of \$66,800 is appropriated from the general fund to the commissioner of public welfare for the purpose of section 1, to be available for the fiscal year ending June 30 in the years indicated.

1980	1981
\$33,400	\$33,400"

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. 956: A bill for an act relating to retirement; providing a post retirement increase in certain retirement annuities and benefits; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [POST RETIREMENT ADJUSTMENT; LUMP SUM PAYMENTS.] Subdivision 1. [COVERED RETIREMENT FUNDS.] This section applies to the following retirement funds:

- (1) Public employees retirement fund;
- (2) Public employees police and fire fund;
- (3) Teachers retirement fund;
- (4) Highway patrolmen's retirement fund;
- (5) State employees retirement fund of the Minnesota state retirement system; and
- (6) Minneapolis municipal employees retirement fund.

Subd. 2. [COVERED PERSONS.] This section applies to a person who has attained the age of 65 years by July 1, 1979 and is receiving a retirement annuity, or a person who is receiving a disability benefit or a surviving spouse's annuity or benefit, if the annuity or benefit was computed under the laws in effect prior to July 1, 1973 for an annuity or benefit from a retirement fund specified in subdivision 1, clause (1), (2), (3), or (5), or was computed under the laws in effect prior to June 1, 1973 for an annuity or benefit from a retirement fund specified in subdivision 1, clause (4), or is a "\$2 bill and annuity" from the retirement fund specified in subdivision 1, clause (6).

Subd. 3. [AMOUNT; PAYMENT.] A post retirement adjustment in a lump sum equal to \$15 for each full year of allowable service credited to the person by the respective retirement fund shall be paid on December 1, 1979 to covered persons who receive an annuity or benefit on November 30, 1979, and shall be paid on December 1, 1980 to covered persons who receive an annuity or benefit on November 30, 1980. The post retirement adjustment shall not be paid to an estate. Notwithstanding Minnesota Statutes, Section 356.18, the post retirement adjustment provided for in this section shall be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the post retirement adjustment not be paid.

Subd. 4. [LIMIT ON NUMBER OF POST RETIREMENT ADJUSTMENTS PAYABLE.] Each lump sum post retirement adjustment provided for in this section for a person who is entitled to receive more than one post retirement adjustment in one year shall be reduced by dividing the amount of each post retirement adjustment by the total number of post retirement adjustments to which the person is entitled.

Subd. 5. [APPROPRIATION.] The sum of \$11,600,000 is appropriated from the general fund for the purpose of funding the post retirement adjustments provided for in this section. The appropriation shall be apportioned and paid on December 1, 1979, to the retirement funds paying the post retirement adjustment as follows:

Public employees retirement fund	\$4,576,185
Public employees police and fire fund	202,761
Teachers retirement fund	3,169,648
Highway patrolmen's retirement fund	129,661
State employee retirement fund	2,893,845
Minneapolis municipal employees retirement fund	627,900

Sec. 2. [EFFECTIVE DATE.] This act is 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. 376: A bill for an act relating to county and county regional jails; providing for establishment and use of county jails and county regional jails and the financing thereof by county contributions and bonds and municipal revenue bonds and leases; appropriating money; amending Minnesota Statutes 1978, Sections 474.01, Subdivisions 7a and 8, and by adding a subdivision; 474.02, by adding a subdivision; 641.23; 641.24; 641.262, Subdivision 1; 641.263, Subdivision 2; 641.264, Subdivision 1; 641.265; and 642.04.

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 475.58, Subdivision 1, is amended to read:

475.58 [OBLIGATIONS; ELECTIONS TO DETERMINE ISSUE.] Subdivision 1. [APPROVAL BY MAJORITY OF ELECTORS; EXCEPTIONS.] Obligations authorized by law or charter may be issued by any municipality upon obtaining the approval of a majority of the electors voting on the question of issuing the obligations, but an election shall not be required to authorize obligations issued:

- (1) to pay any unpaid judgment against the municipality;
- (2) for refunding obligations;
- (3) for an improvement, which obligation is payable wholly or partly from the proceeds of special assessments levied upon property specially benefited by the improvement, or of taxes levied upon the increased value of property within a district for the development of which the improvement is undertaken, including obligations which are the general obligations of the municipality, if the municipality is entitled to reimbursement in whole or in part from the proceeds of such special assessments or taxes and not less than 20 percent of the cost of the improvement is to be assessed against benefited property or is estimated to be received from such taxes within the district;
- (4) payable wholly from the income of revenue producing conveniences;
- (5) under the provisions of a home rule charter which permits the issuance of obligations of the municipality without election; and
- (6) under the provisions of a law which permits the issuance of obligations of a municipality without an election; and
- (7) *to pay for the construction of a jail which complies with the statewide jail plan and is planned under an agreement pursuant to section 471.59 or sections 641.26 to 641.266.*

Sec. 2. Minnesota Statutes 1978, Section 641.21, is amended to read:

641.21 [JAIL, ADVICE AS TO CONSTRUCTION.] When any county board determines to erect a new jail, or to repair an existing one at an expense of more than \$5,000, it shall pass a resolution to that effect, and transmit a copy thereof to the commissioner of corrections, who, within 30 days thereafter, shall *determine whether the jail complies with the commissioner's statewide jail plan and shall transmit to that county board the advice and suggestions in reference to the construction thereof as he deems proper.*

Sec. 3. Minnesota Statutes 1978, Section 641.23, is amended to read:

641.23 [FUNDS, HOW PROVIDED.] Before ~~making~~ any contract *is made* for the erection of a county jail, sheriff's residence, or both, the county board shall either levy a sufficient tax to provide the necessary funds, or issue county bonds therefor, ~~but it shall create no bonded indebtedness for that purpose in excess of the limit now or thereafter established by law in accordance with the provisions of chapter 475.~~

Sec. 4. Minnesota Statutes 1978, Section 641.262, Subdivision 1, is amended to read:

641.262 [ESTABLISHMENT OF REGIONAL JAILS BY CONTIGUOUS COUNTIES.] Subdivision 1. [ACTION BY COUNTY BOARD.] Two or more contiguous counties, *each contiguous at*

one or more points with one or more of the other counties, may cooperate to establish, operate, and maintain a regional jail in the manner provided in sections 641.261 to 641.266. A county may join with other counties in the establishment, operation, and maintenance of a regional jail by majority vote of its county board. A county board so voting shall also appropriate its approximate proportionate share of the initial expenses of the proposed county regional jail, which proportion is estimated in the manner provided in section 641.264, subdivision 2, and which is paid over upon receiving notice from the regional jail board as provided in section 641.263, subdivision 1.

Sec. 5. Minnesota Statutes 1978, Section 641.263, Subdivision 2, is amended to read:

Subd. 2. [ACQUISITION OF SITE, BUILDINGS.] The regional jail board may lease suitable premises or acquire by gift, purchase, or condemnation proceedings instituted in the name of the counties, a suitable site, and erect on the site buildings suitable for a regional jail. Condemnation proceedings shall be conducted in the manner provided in Minnesota Statutes 1961, chapter 117. No premises shall be leased, site acquired, or building erected without the approval of the county board of each cooperating county and the commissioner of corrections. For a regional jail which the commissioner determines complies with the statewide jail plan the regional jail board may by resolution enter into a lease agreement with any statutory or home rule charter city situated within any of the counties, in the same manner and with the same force and effect as a county acting under the provisions of section 641.24. The lease agreement, and any amendment of it, shall be approved by the county board of each cooperating county before it is executed.

Sec. 6. Minnesota Statutes 1978, Section 641.265, is amended to read:

641.265 [ADMISSION, WITHDRAWAL OF COUNTIES.] Subdivision 1. [ADMISSION.] A county which is not a participant could cooperate in a regional jail system under the provisions of section 641.262, subdivision 1, but has not cooperated in its formation, may purchase acquire an interest in a the regional jail if the county boards board of each of the cooperating counties owning the jail decide decides, by majority vote, to admit the county. With the approval of the county board of each cooperating county, the regional jail board shall fix the sum to be paid for admission to ownership terms and conditions upon which an additional county may acquire an interest in the regional jail, which sum shall be deposited in the regional jail fund. A county admitted to ownership acquiring the interest has all of the rights, privileges, duties, and obligations provided by sections 641.261 to 641.266. As a condition for admission the county may be required to pay initially or annually a sum sufficient to reimburse to the other cooperating counties part or all of the additional county's proportionate share of amounts theretofore paid by the other counties with respect to capital cost, debt service, or lease rentals, based on the relative populations

of the respective counties according to the last federal or state census preceding admission .

Subd. 2. [WITHDRAWAL.] A county board may withdraw its interest from cooperation in a regional jail system if the county boards of each all of the other cooperating counties decide, by majority vote, to allow the withdrawal. With the approval of the county board of each cooperating county, the regional jail board shall fix the sum , if any, to be paid to the county withdrawing, which sum to reimburse it for capital cost, debt service, or lease rental payments made by the county prior to withdrawal, in excess of its proportionate share of benefits from the regional jail prior to withdrawal, and the time and manner of making the payments. The payments shall be deemed additional payments of capital cost, debt service, or lease rentals to be made proportionately by the remaining counties and, when received, shall be deposited in and paid from the regional jail fund , but:

(a) Payments shall not be made from any amounts in the regional jail fund which are needed for maintenance and operation expenses or lease rentals currently due and payable; and

(b) The withdrawing county shall remain obligated for the payment of its proportionate share of any lease rentals due and payable after its withdrawal, in the event and up to the amount of any lease payment not made when due by one or more of the other cooperating counties.

Sec. 7. Minnesota Statutes 1978, Section 642.04, is amended to read:

642.04 [CITIES MAY SEND PRISONERS TO JAILS OUTSIDE.] When, in any statutory or home rule charter city of the fourth class , no jail exists, which in the judgment of the city council, or other governing body, is sufficient or suitable for the detention of persons lawfully under arrest in the city, the council, or other governing body, may cause persons lawfully arrested to be detained in any city or county or county regional jail or lockup in the same or in an adjoining county; provided, that such detention shall be with the consent of the city or county or regional jail board operating the jail where such persons are detained, and that there shall be paid to such city or county or regional jail board the necessary cost and expense which may be incident to taking care of such persons while lawfully detained or imprisoned."

Amend the title by deleting it and inserting:

"A bill for an act relating to jails; providing for financing, joint operation, aid criteria, and state standards; amending Minnesota Statutes 1978, Sections 475.58, Subdivision 1; 641.21; 641.23; 641.262, Subdivision 1; 641.263, Subdivision 2; 641.265; and 642.04."

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. 527: A bill for an act relating to appropriations; converting certain standing appropriations to direct appropriations; abolishing other standing appropriations; appropriating money; amending Minnesota Statutes 1978, Sections 9.061, Subdivision 5; 97.482, Subdivision 2; and 638.08; repealing Minnesota Statutes 1978, Section 7.07.

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. 723: A bill for an act relating to welfare; changing income disregard provisions for certain medical assistance recipients and certain supplemental aid recipients; amending Minnesota Statutes 1978, Sections 256B.06, Subdivision 1; and 256D.37, Subdivisions 1 and 2.

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

Page 4, lines 28 and 29, delete "*and persons age 65 or over, respectively,*"

Page 5, line 12, delete "*and persons age 65 or over*"

Page 5, lines 15 and 16, delete "*and persons age 65 or over, respectively,*"

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

SECOND READING OF SENATE BILLS

S. F. Nos. 787, 480, 702, 956, 376, 527 and 723 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. 1084 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Mr. Sikorski moved that the name of Mr. Chmielewski be added as co-author to S. F. No. 1191. The motion prevailed.

Mr. Merriam moved that the name of Mr. Humphrey be added as co-author to S. F. No. 1587. The motion prevailed.

Mr. Coleman, for the Committee on Rules and Administration, offered the following resolution.

BE IT RESOLVED, by the Senate, that the following named persons be and are hereby appointed to the positions hereinafter stated and at the salaries heretofore fixed.

Rev. Edward Flahavan, Chaplain, effective May 8, 1979

Rev. Syl Brown, Chaplain, effective May 10, 1979

Rev. Wayne Kendrick, Chaplain, effective May 14, 1979

Rev. Michael T. Kartes, Chaplain, effective May 11, 1979

Rev. Winfield Johnson, Chaplain, effective May 11, 1979

Rev. Dave Schneider, Chaplain, effective May 18, 1979

Mr. Laufenburger moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

CALL OF THE SENATE

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

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

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

Mr. Coleman for the Committee on Rules and Administration introduced—

Senate Resolution No. 35: A Senate Resolution relating to Arv Johnson; honoring him for his many years as a political and governmental reporter.

Mr. Coleman moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dunn	Keefe, S.	Merriam	Purfeerst
Ashbach	Engler	Kirchner	Moe	Renneke
Bang	Frederick	Kleinbaum	Nelson	Rued
Benedict	Gearty	Knaak	Nichols	Schaaf
Bernhagen	Gunderson	Knoll	Ogdahl	Schmitz
Brataas	Hanson	Knutson	Olhoff	Schrom
Chenoweth	Hughes	Laufenburger	Olson	Setzepfandt
Chmielewski	Humphrey	Lessard	Penny	Sieloff
Coleman	Jensen	Luther	Perpich	Sikoraki
Davies	Johnson	McCutcheon	Peterson	Sillers
Dieterich	Keefe, J.	Menning	Pillsbury	Solon

Spear
Staples
Stokowski

Strand
Stumpf
Tennessee

Ueland, A.
Ulland, J.

Vega
Wegener

Willet

The motion prevailed. So the resolution was adopted.

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.

Pursuant to Rule 21, Mr. Setzepfandt moved that the following members be excused at 10:00 o'clock a.m. for a Conference Committee on S. F. No. 1351:

Messrs. Setzepfandt; Nichols; Nelson; Keefe, S. and Mrs. Brataas. The motion prevailed.

Pursuant to Rule 21, Mr. Willet moved that the following members be excused at 10:00 o'clock a.m. for a Conference Committee on S. F. No. 1510:

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

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused from 10:00 to 10:45 o'clock a.m. for a Conference Committee on H. F. No. 455:

Messrs. Merriam, Peterson, Mmes. Brataas, Knaak and Staples. The motion prevailed.

Pursuant to Rule 21, Mr. McCutcheon moved that the following members be excused at 10:00 o'clock a.m. for a Conference Committee on H. F. No. 1495:

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

Pursuant to Rule 21, Mr. Tennessee moved that the following members be excused at 10:00 o'clock a.m. for a Conference Committee on H. F. No. 1526:

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

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused at 11:00 o'clock a.m. for a Conference Committee on H. F. No. 261:

Messrs. Humphrey, Knoll, Anderson, Chenoweth and Ogdahl. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Hughes moved that the committee report on Senate Concurrent Resolution No. 4 be taken from the table. The motion prevailed. Mr. Hughes moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

Senate Concurrent Resolution No. 4. A Senate concurrent resolution recognizing the importance of children to the future of the

State of Minnesota, and expressing support for the work of the United Nations and other agencies during 1979, the International Year of the Child.

Mr. Hughes moved that Senate Concurrent Resolution No. 4 be now adopted. The motion prevailed. So the resolution was adopted.

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

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Gearty in the chair.

After some time spent therein, the committee arose, and Mr. Gearty reported that the committee had considered the following:

S. F. Nos. 435, 266, 897, 844, 1141, 1101, 1035, 275, 966, 390, 1234, H. F. Nos. 1236, 87, 1392, 913 and 1111, which the committee recommends to pass.

H. F. No. 597 which the committee recommends to pass, subject to the following motion:

Mr. Laufenburger moved that the amendment made to H. F. No. 597 by the Committee on Rules and Administration in the report adopted May 16, 1979, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S. F. No. 127, which the committee recommends to pass with the following amendment offered by Mr. Hughes:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 123, is amended by adding a section to read:

[123.35] [TESTING PROGRAM FOR EDUCATIONAL ACHIEVEMENT AND CURRICULUM EVALUATION.] *Subdivision 1. Each school district shall establish and provide a testing program for educational achievement and curriculum evaluation in its elementary, middle and secondary schools. The testing program may be a component of each district's policy on pupil progress, promotion and standards for graduation.*

Subd. 2. Before January 15, 1980, the commissioner of education shall provide the education committees of the senate and the house of representatives with recommendations for:

(1) *Revising the standards required statewide for high school graduation; and*

(2) *Establishing minimum standards of academic achievement in elementary, middle and secondary schools.*

Subd. 3. Before June 30, 1981 and June 30 of each year thereafter, each district shall provide the department of education with a description and a summary of the results of its testing program."

Delete the title and insert:

"A bill for an act relating to education; requiring school districts to establish certain testing programs; requiring the commissioner of education to make certain recommendations to the legislature; amending Minnesota Statutes 1978, Chapter 123, by adding a section."

The motion prevailed. So the amendment was adopted.

H. F. No. 451, which the committee recommends to pass with the following amendment offered by Mr. Hughes:

Amend H. F. No. 451, as amended by the Committee on Finance, adopted by the Senate May 14, 1979, as follows:

Section 2, Subdivision 3, delete "*accompanied by and driving under the direction of*" and insert "*transporting*"

Section 4, Subdivision 4, line 3, strike "*may*" and insert "*shall*"

Section 5, line 8, after the comma insert "*or exercise the parking privilege provided in section 169.345,*"

Section 7, Subdivision 3, line 1, restore the stricken language "Any person who violates the provisions of subdivision 1" and in line 2, after the stricken "\$10" insert "*is guilty of a petty misdemeanor and shall be fined not less than \$15 nor more than \$100*" and restore the stricken period

The motion prevailed. So the amendment was adopted.

H. F. No. 1091, which the committee recommends to pass with the following amendments offered by Messrs. Dieterich and Purfeerst:

Mr. Dieterich moved to amend H. F. No. 1091 as follows:

Page 2, line 26, delete "*pursuant*"

Page 2, line 27, delete "*to the terms of the negotiated agreement*"

The motion prevailed. So the amendment was adopted.

Mr. Purfeerst moved to amend H. F. No. 1091 as follows:

Page 2, lines 23 and 28, after "*from the*" insert "*transportation,*"

The motion prevailed. So the amendment was adopted.

S. F. No. 510, which the committee recommends to pass with the following amendment offered by Mrs. Staples:

Page 1, line 16, after "*or*" insert "*a Minnesota resident*"

Page 1, line 19, delete everything after "*child*" and insert a period

Page 1, delete line 20

The motion prevailed. So the amendment was adopted.

S. F. No. 654, which the committee recommends to pass with the following amendment offered by Mrs. Staples:

Page 2, delete section 4

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

S. F. No. 272, which the committee recommends to pass with the following amendment offered by Mr. Peterson:

Page 5, line 12, after "value of" insert "an acre of"

The motion prevailed. So the amendment was adopted.

H. F. No. 1198 which the committee recommends to pass, subject to the following motions:

Mr. Peterson moved that the amendment made to H. F. No. 1198 by the Committee on Rules and Administration in the report adopted May 14, 1979, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Peterson then moved to amend H. F. No. 1198 as follows:

Page 2, after line 30, insert:

"Sec. 3. Minnesota Statutes 1978, Section 100.27, Subdivision 6, is amended to read:

Subd. 6. All migratory game birds, excepting mourning doves *Zenaida Macroura*, may be taken and possessed whenever and so long as the taking or possession is not prohibited by federal laws or regulations, subject, however, to all requirements of chapters 97 to 102, provided that it shall be unlawful to take any migratory game birds at any time in violation of any federal law or regulation. Mourning doves *Zenaida Macroura* shall not be taken and possessed in the state."

Page 3, delete section 4

Page 3, after line 32, insert

"Sec. 6. Minnesota Statutes 1978, Section 100.29, Subdivision 30, is amended to read:

Subd. 30. It shall be unlawful to use a snowmobile or any type of all-terrain vehicle during the season open for the taking of beaver or otter and for two days thereafter, for the purpose of transporting or checking beaver or otter traps or transporting beaver or otter carcasses or pelts. However, the commissioner may issue a special permit to use a snowmobile or all-terrain vehicle to transport or check beaver or otter traps, or to transport beaver or otter carcasses or pelts, to any licensed trapper having any of the physical disabilities described in section 98.48, subdivision 12. The permit shall be issued in the same manner as provided in section 98.48, subdivision 12. *In addition, the commissioner may by order authorize the use of a snowmobile or other type of all-terrain vehicle to transport or check beaver or otter traps, or to transport beaver or otter carcasses or pelts in Lake of the Woods County.*"

Pages 3 and 4, delete sections 6 and 7

Page 4, line 22, delete the underscored language

Page 4, line 23, delete "8, and 9 are" and insert "This act is"

Page 4, delete line 24

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "Subdivision 4;" and insert "Subdivisions 4 and 6; and"

Page 1, line 7, delete "14, and"

Page 1, line 7, after "19" insert ", and 30."

Page 1, line 7, delete "; and 101.42,"

Page 1, delete line 8

The motion prevailed. So the amendment was adopted.

H. F. No. 1241, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Amend the title as follows:

Page 1, lines 5 and 6, delete "for loan program"

The motion prevailed. So the amendment was adopted.

H. F. No. 870 which the committee reports progress, subject to the following motion:

Mr. Hughes moved to amend H. F. No. 870 as follows:

Page 6, line 11, reinstate the stricken word "solely"

Page 6, line 12, delete "primarily"

The motion prevailed. So the amendment was adopted.

H. F. No. 870 was then progressed.

H. F. No. 588, which the committee recommends to pass with the following amendments offered by Messrs. Anderson and Knoll:

Mr. Anderson moved to amend H. F. No. 588 as follows:

Page 1, line 20, delete "bennial" and insert "biennial"

Page 1, line 20, delete "appropriations" and insert "appropriations"

Page 2, after line 4, insert

"Sec. 3. [REPORTS.] The commissioner of public welfare shall report annually to the legislature on the effect of the agreements authorized under section 1 on: (1) The funding of existing programs in Anoka State Hospital and on the hospital's cost account-

ing processes; and (2) Development of other public and private mental health services providers in the county."

Page 2, line 5, delete "Sec. 3." and insert "Sec. 4."

The motion prevailed. So the amendment was adopted.

Mr. Knoll moved to amend H. F. No. 588 as follows:

Page 2, after line 4, insert:

"Sec. 4. Minnesota Statutes 1978, Section 256B.06, Subdivision 1, is amended to read:

256B.06 [ELIGIBILITY REQUIREMENTS.] Subdivision 1. Medical assistance may be paid for any person:

(1) Who is eligible for or receiving public assistance under the aid to families with dependent children program; or

(2) Who is eligible for or receiving supplemental security income for the aged, blind and disabled; or

(3) Who except for the amount of income or resources would qualify for supplemental security income for the aged, blind and disabled, or aid to families with dependent children and is in need of medical assistance; or

(4) Who is under 21 years of age and in need of medical care that neither he nor his relatives responsible under sections 256B.01 to 256B.26 are financially able to provide; or

(5) Who is residing in a hospital for treatment of mental disease or tuberculosis and is 65 years of age or older and without means sufficient to pay the per capita hospital charge; and

(6) Who resides in Minnesota, or, if absent from the state, is deemed to be a resident of Minnesota in accordance with the regulations of the state agency; and

(7) Who alone, or together with his spouse, does not have net ~~equity in own~~ real property used as a home in excess of \$25,000 or other than the homestead. Real estate not used as a home which may not be retained unless it produces net income applicable to the family's needs or which the family is making a continuing effort to sell it at a fair and reasonable price. The commissioner of public welfare shall annually adjust the limitation on net equity in real property used as a home by the same percentage as the homestead base value index provided in section 273.122, subdivision 2; and

(8) Who, if single, does not have more than \$750 ~~\$7,500~~ in cash or liquid assets, including the cash surrender value of life insurance policies, or, if married, whose cash or liquid assets, including the cash surrender value of life insurance policies, do not exceed \$1,000 plus \$150 for each additional legal dependent \$15,000, except that the value of the homestead and one automobile the market value of which does not exceed \$1,650 shall be disregarded; and

(9) Who has or anticipates receiving an annual income not in excess of \$2,600 for a single person, or \$3,250 for two family mem-

bers (man and wife, parent and child, or two siblings), plus \$625 for each additional legal dependent, or who has income in excess of these maxima and in the month of application, or during the three months prior to the month of application, incurs expenses for medical care that total more than one-half of the annual excess income in accordance with the regulations of the state agency. *In computing income to determine eligibility of persons who are not residents of long term care facilities, the commissioner shall, beginning in July 1979, disregard increases in income of social security or supplementary security income recipients due solely to increases required by sections 215(i) and 1617 of the social security act.* In excess income cases, eligibility shall be limited to a period of six months beginning with the first of the month in which these medical obligations are first incurred.

(10) Who has continuing monthly expenses for medical care that are more than the amount of his excess income, computed on a monthly basis, in which case eligibility may be established before the total income obligation referred to in the preceding paragraph is incurred, and medical assistance payments may be made to cover the monthly unmet medical need. In licensed nursing home and state hospital cases, income over and above that required for justified needs, determined pursuant to a schedule of contributions established by the commissioner of public welfare, is to be applied to the cost of institutional care. The commissioner of public welfare may establish a schedule of contributions to be made by the spouse of a nursing home resident to the cost of care and shall seek a waiver from federal regulations which establish the amount required to be contributed by either spouse when one spouse is a nursing home resident; and

(11) Who has applied or agrees to apply all proceeds received or receivable by him or his spouse from automobile accident coverage and private health care coverage to the costs of medical care for himself, his spouse, and children. The state agency may require from any applicant or recipient of medical assistance the assignment of any rights accruing under private health care coverage. Any rights or amounts so assigned shall be applied against the cost of medical care paid for under this chapter. Any assignment shall not be effective as to benefits paid or provided under automobile accident coverage and private health care coverage prior to receipt of the assignment by the person or organization providing the benefits.

Sec. 5. Minnesota Statutes 1978, Section 256B.07, is amended to read:

256B.07 [EXCEPTIONS IN DETERMINING RESOURCES.]

A local agency may, within the scope of regulations set by the commissioner of public welfare, waive the requirement of liquidation of excess assets when the liquidation would cause undue hardship. Household goods and furniture in use in the home, wearing apparel, insurance policies with cash surrender value not in excess of \$1,000 per insured person, personal property used as a regular abode by the applicant or recipient, and a lot in a burial

plot shall not be considered as resources available to meet medical needs."

Page 2, line 5, delete "This act takes" and insert "*Sections 1 and 2 take*"

Page 2, line 6, delete "its"

Renumber the sections in sequence

Underline all new language in the bill

Amend the title as follows:

Page 1, line 2, delete "the county of Anoka" and insert "public welfare"

Page 1, line 5, after "services" insert "; raising eligibility limits for medical assistance; amending Minnesota Statutes 1978, Sections 256B.06; and 256B.07"

The motion prevailed. So the amendment was adopted.

S. F. No. 679 which the committee reports progress, after the following motion:

The question was taken on the recommendation to pass S. F. No. 679.

The roll was called, and there were yeas 17 and nays 20, as follows:

Those who voted in the affirmative were:

Ashbach	Engler	Merriam	Setzepfandt	Ulland, J.
Bang	Jensen	Pillsbury	Sikorski	
Bernbagen	Knaak	Rued	Sillers	
Dunn	Knutson	Schmitz	Ueland, A.	

Those who voted in the negative were:

Benedict	Gearly	Lessard	Penny	Staples
Chenoweth	Gunderson	Luther	Peterson	Stumpf
Coleman	Hughes	Nelson	Purfeerst	Vega
Dieterich	Humphrey	Olhoft	Schaaf	Willet

The motion did not prevail. S. F. No. 679 was then progressed.

S. F. No. 736, which the committee recommends to pass with the following amendment offered by Mr. Olhoft:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 273.42, is amended to read:

273.42 [RATE OF TAX; ENTRY AND CERTIFICATION; CREDIT ON PAYMENT; PROPERTY TAX CREDIT.] *Subdivision 1.* The property set forth in section 273.37, subdivision 2, consisting of transmission lines, and distribution lines not taxed as provided in sections 273.38, 273.40 and 273.41 shall be taxed at the average rate of taxes levied for all purposes throughout the county and shall be entered on the tax lists by the county auditor against the owner thereof and certified to the county treasurer

at the same time and in the same manner that other taxes are certified, and, when paid, shall be credited, 35 percent to the general revenue fund of the county, 50 percent to the general school fund of the county, and 15 percent to the townships within the county in which the lines are located, *after deducting the amount required for the property tax credit as provided in subdivision 2.* The amount available for distribution to the townships shall be divided among the townships in the same proportion that the length of transmission line in each township bears to the total length of transmission line in the county, except that if a payment to a town exceeds ten percent of the town's levy for the preceding year, the excess amount shall be paid to the county.

Subd. 2. Owners of land defined as class 3, 3b, 3c, 3cc, 3d or 3f pursuant to section 273.13 listed on records of the county auditor or county treasurer over which runs a high voltage transmission line as defined in section 116C.52, subdivision 3, except a high voltage transmission line the construction of which was commenced prior to July 1, 1974, shall receive a property tax credit in an amount determined by multiplying a fraction, the numerator of which is the length of high voltage transmission line which runs over that parcel and the denominator of which is the total length of that particular line running over all property within the county by ten percent of the transmission line tax revenue derived from the tax on that line pursuant to section 273.42. Where a right of way width is shared by more than one property owner, the numerator shall be adjusted by multiplying the length of line on the parcel by the proportion of the total width on the parcel owned by that property owner. The amount of credit for which the property qualifies shall not exceed 20 percent of the total gross tax on the parcel prior to deduction of the state paid agricultural credit and the state paid homestead credit.

Sec. 2. Minnesota Statutes 1978, Chapter 273, is amended by adding a section to read:

[273.425] [ADJUSTMENT OF LEVY.] *When preparing tax lists pursuant to section 275.28 for each levy year for which credits will be payable under section 1, the county auditor shall deduct from the assessed valuation of the property within the county an amount equal to ten percent of the assessed valuation of transmission lines with respect to which a credit is to be paid. The mill rate necessary to be applied to this reduced total valuation in order to raise the required amount of tax revenue for the local taxing authorities shall be applied to the value of all taxable property in the county, including the entire valuation of those transmission lines. The proceeds of the tax levied against the excluded ten percent of the value of those transmission lines shall be available for purposes of funding of the credit provided in section 1. If the amount of that portion of the levy exceeds the amount necessary to fund the credits, the excess shall be distributed to the taxing districts within which the affected property is*

located in proportion to their respective mill rates, to be used for general levy purposes.

Sec. 3. [REPEALER.] Minnesota Statutes 1978, Section 116C.635, is repealed.

Sec. 4. [EFFECTIVE DATE.] Sections 1 and 2 are effective with respect to taxes levied in 1979 and subsequent years and payable in 1980 and subsequent years. Section 3 is effective on the day following final enactment."

Amend the title as follows:

Page 1, line 6, delete "Sections 273.36; 273.38;" and insert "Section 273.42;"

Page 1, line 7, delete "sections" and insert "a section"

Page 1, line 8, delete "Sections" and insert "Section" and delete the semicolon and insert a period

Page 1, delete line 9

The motion prevailed. So the amendment was adopted.

H. F. No. 842, which the committee recommends to pass with the following amendment offered by Mr. Hughes:

Page 3, after line 13, insert:

"Sec. 3. Minnesota Statutes 1978, Section 410.05, Subdivision 2, is amended to read:

Subd. 2. [COMMISSION MEMBERS; TERMS, VACANCIES.] Charter commission members shall hold office for the term of four years, and until their successors are appointed and qualify, except that of members initially appointed after July 1, 1967, eight shall be appointed for two year terms and seven for four year terms. No person may be appointed to more than two successive terms as a commission member. Vacancies in the commission shall be filled by appointment of the chief judge for the unexpired terms. Upon the expiration of each four year term, the chief judge shall appoint new commission members. If the chief judge fails to appoint new commission members within 30 days then thereafter the governing body of the city shall, appoint new commission members, unless within the 30 day period the chief judge indicates in writing to the governing body his intention to appoint new members, in which case he shall have an additional 60 days within which to make the appointment. Appointments shall be made by order filed with the clerk of the district court. An appointee who neglects to file with the clerk within 30 days a written acceptance and oath of office shall be deemed to have declined the appointment and his place shall be filled as though he had resigned. The charter commission, within 30 days after the initial appointment of the commission, shall make rules, including quorum requirements, with reference to its operations and procedures. The commission shall submit to the chief judge of the district court, on or before December 31 of each year, an annual report outlining its ac-

tivities and accomplishments for the preceding calendar year. The commission shall forward a copy of the report to the clerk of the city. Any member may be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order. When any member has failed to perform the duties of his office and has failed to attend four consecutive meetings without being excused by the commission, the secretary of the charter commission shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal and the chief judge shall fill the vacancy created thereby.

Sec. 4. Minnesota Statutes 1978, Section 471.697, Subdivision 1, is amended to read:

471.697 [FINANCIAL REPORTING; AUDITS; CITIES OF MORE THAN 2,500 POPULATION.] Subdivision 1. In any city with a population of more than 2,500 according to the latest state or federal census, the city clerk or chief financial officer shall:

(a) Prepare a financial report covering the city's operations *including operations of municipal hospitals and nursing homes, liquor stores, and public utility commissions* during the preceding fiscal year after the close of the fiscal year and publish the report or a summary of the report, in a form as prescribed by the state auditor, in a newspaper in the city or, if there be none, post copies in three of the most public places in the city. The report shall contain financial statements and disclosures which present the city's financial position and the results of city operations in conformity with generally accepted accounting principles. The report shall include such information and be in such form as may be prescribed by the state auditor;

(b) File the financial report in his office for public inspection and present it to the city council after the close of the fiscal year. One copy of the financial report shall be furnished to the state auditor after the close of the fiscal year; and

(c) Submit to the state auditor audited financial statements which have been attested to by a certified public accountant, public accountant, or the state auditor within 180 days after the close of the fiscal year, except that the state auditor may upon request of a city and a showing of inability to conform, extend the deadline. The state auditor may accept this report in lieu of the report required in clause (b) above.

Sec. 5. Minnesota Statutes 1978, Section 471.698, Subdivision 1, is amended to read:

471.698 [FINANCIAL REPORTING; CITIES OF LESS THAN 2,500 POPULATION.] Subdivision 1. In any city with a population of less than 2,500 according to the latest state or federal census, the city clerk or chief financial officer shall:

(a) Prepare a detailed statement of the financial affairs of the city *including operations of municipal hospitals and nursing homes, liquor stores, and public utility commissions* in the style and form prescribed by the state auditor, for the preceding fiscal year show-

ing all money received, with the sources, and respective amounts thereof; all disbursements for which orders have been drawn upon the treasurer; the amount of outstanding and unpaid orders; all accounts payable; all indebtedness; contingent liabilities; all accounts receivable; the amount of money remaining in the treasury; and all items necessary to show accurately the revenues and expenditures and financial position of the city;

(b) File the statement in his office for the public inspection and present it to the city council within 45 days after the close of the fiscal year;

(c) (1) Publish the statement within 60 days after the close of the fiscal year in a newspaper published in the city; or

(2) If there is no newspaper in the city, the clerk shall, at the direction of the city council, publish the statement in the official newspaper published elsewhere or post copies in three of the most public places in the city; or

(3) If city council proceedings are published monthly or quarterly, showing to whom and for what purpose orders are drawn upon the treasurer, the annual statement to be published as required by this section may be summarized in such form as the state auditor may prescribe; and

(d) Submit within 90 days after the close of the fiscal year a copy of the statement to the state auditor in such summary form as the state auditor may prescribe."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "providing for appointment of home rule charter commission members; providing for the preparation of financial reports by certain cities;"

Page 1, line 5, after "Sections" insert "410.05, Subdivision 2;"

Page 1, line 5, delete "and"

Page 1, line 6, before the period, insert "; 471.697, Subdivision 1; and 471.698, Subdivision 1"

The motion prevailed. So the amendment was adopted.

H. F. No. 567 which the committee reports progress, subject to the following motion:

Mr. Strand moved that the amendment made to H. F. No. 567 by the Committee on Rules and Administration in the report adopted May 14, 1979, pursuant to Rule 49, be stricken.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 24 and nays 16, as follows:

Those who voted in the affirmative were:

Bang	Jensen	Menning	Schaaf	Strand
Bernhagen	Kirchner	Pillsbury	Schmitz	Ueland, A.
Brataas	Kleinbaum	Purfeerst	Setzepfandt	Wegener
Coleman	Knaak	Renneke	Sillers	Willet
Engler	Lessard	Rued	Staples	

Those who voted in the negative were:

Benedict	Gunderson	Luther	Perpich	Stumpf
Davies	Hanson	Nelson	Sikorski	Ulland, J.
Frederick	Knoll	Penny	Spear	Vega
Gearty				

The motion prevailed. So the amendment was stricken.

H. F. No. 567 was then progressed.

On motion of Mr. Coleman, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

CALL OF THE SENATE

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

Anderson	Gearty	Luther	Peterson	Staples
Bang	Hanson	McCutcheon	Pillsbury	Stokowski
Benedict	Hughes	Menning	Purfeerst	Strand
Bernhagen	Humphrey	Merriam	Renneke	Stumpf
Chenoweth	Jensen	Nelson	Rued	Ulland, A.
Chmielewski	Johnson	Nichols	Schaaf	Ulland, J.
Coleman	Keefe, S.	Ogdahl	Schmitz	Vega
Dieterich	Kleinbaum	Olhoff	Setzepfandt	Wegener
Dunn	Knaak	Olson	Sieloff	Willet
Engler	Lessard	Penny	Sikorski	

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

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.

SUSPENSION OF RULES

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

CALENDAR

S. F. No. 127: A bill for an act relating to education; requiring school districts to establish certain testing programs; requiring the commissioner of education to make certain recommendations to the legislature; amending Minnesota Statutes 1978, Chapter 123, by adding a section.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 51 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Gunderson	Kirchner	Menning
Ashbach	Coleman	Hanson	Kleinbaum	Moe
Bang	Dieterich	Hughes	Knaak	Nelson
Benedict	Dunn	Humphrey	Laufenburger	Nichols
Bernhagen	Engler	Jensen	Lessard	Ogdahl
Brataas	Frederick	Johnson	Luther	Olson
Chenoweth	Gearty	Keefe, S.	McCutcheon	Perpich

Pillsbury	Schmitz	Solon	Strand	Ulland, J.
Renneke	Sikorski	Staples	Stumpf	Vega
Rued	Sillers	Stokowski	Ueland, A.	Wegener
Schaaf				

Those who voted in the negative were:

Merriam	Peterson	Setzepfandt	Spear	Willet
Penny				

So the bill passed and its title was agreed to.

H. F. No. 597: A bill for an act relating to the state transportation system; authorizing the issuance and sale of Minnesota state transportation bonds; authorizing the expenditure of the proceeds for grants for construction and reconstruction of certain bridges and for certain preliminary studies; appropriating money; amending Minnesota Statutes 1978, Section 174.50, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 451: A bill for an act relating to parking privileges for handicapped persons; defining terms; extending the uses, in relation to parking privileges, of the special license plates issued to physically handicapped persons and clarifying the meaning of unauthorized use of those plates; recognizing parking certificates, insignia or license plates issued to handicapped persons by other jurisdictions; modifying the criteria for posted signs designating handicapped parking spaces; imposing penalties; amending Minnesota Statutes 1978, Sections 168.021, Subdivisions 3 and 5, and by adding a subdivision; 169.345; and 169.346, Subdivisions 1, 2 and 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Benedict	Chenoweth	Dieterich	Frederick
Ashbach	Bernhagen	Chmielewski	Dunn	Gearty
Bang	Brataas	Coleman	Engler	Gunderson

Hanson	Knoll	Nelson	Renneke	Staples
Hughes	Knutson	Nichols	Rued	Stokowski
Humphrey	Laufenburger	Ogdahl	Schaaf	Strand
Jensen	Lessard	Olson	Schmitz	Stumpf
Johnson	Luther	Penny	Setzepfandt	Ueland, A.
Keefe, S.	McCutcheon	Perpich	Sikorski	Ulland, J.
Kirchner	Menning	Peterson	Sillers	Vega
Kleinbaum	Merriam	Pillsbury	Solon	Wegener
Knaak	Moe	Purfeerst	Spear	Willet

So the bill passed and its title was agreed to.

H. F. No. 1091: A bill for an act relating to natural resources; providing a public policy directed to preservation of agricultural lands; establishing a temporary joint legislative committee on agricultural land preservation; requiring studies and reports by the state planning agency; providing for staffing of the joint legislative committee.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1236: A bill for an act relating to the town of Forest Lake; exempting it from certain tax levy limitations.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Nelson, Perpich and Willet voted in the negative.

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 87: A bill for an act relating to highways; providing for bus shelters and benches on streets and highways; authorizing road authorities to grant franchises; amending Minnesota Statutes 1978, Section 160.27, Subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 29, as follows:

Those who voted in the affirmative were:

Chenoweth	Johnson	McCutcheon	Peterson	Staples
Chmielewski	Keefe, S.	Merriam	Purfeerst	Stokowski
Coleman	Kirchner	Moe	Schmitz	Stumpf
Engler	Kleinbaum	Nichols	Setzepfandt	Ueland, A.
Gearly	Knutson	Ogdahl	Sieloff	Vega
Gunderson	Laufenburger	Olson	Solon	Willet
Jensen	Lessard	Penny	Spear	

Those who voted in the negative were:

Anderson	Davies	Keefe, J.	Perpich	Sillers
Ashbach	Dieterich	Knaak	Pillsbury	Strand
Bang	Dunn	Luther	Renneke	Tennessen
Benedict	Frederick	Menning	Rued	Ulland, J.
Bernhagen	Hughes	Nelson	Schaaf	Wegener
Brataas	Humphrey	Olhoft	Sikorski	

So the bill passed and its title was agreed to.

H. F. No. 1198: A bill for an act relating to wild animals; altering or eliminating certain provisions in regard to the taking, possessing, or transporting of game or fish; amending Minnesota Statutes 1978, Sections 98.45, Subdivision 1; 100.27, Subdivision 4; 100.29, Subdivisions 7, 14, and 19; and 101.42, Subdivision 18, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1101: A bill for an act relating to taxation; altering the penalty to be imposed upon assessment districts having large coefficients of dispersion; delaying the effective date of imposition of the penalty; amending Minnesota Statutes 1978, Section 477A.04.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Kirchner voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1392: A bill for an act relating to labor; requiring operators of motor vehicles to stop and proceed with caution at certain entrances and exits; imposing a penalty.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1035: A bill for an act relating to taxation; deed tax; 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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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	Tennessen
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	Olhoft	Sikorski	Willet

So the bill passed and its title was agreed to.

H. F. No. 913: A bill for an act relating to small businesses; increasing state procurement from small businesses; amending Minnesota Statutes 1978, Section 16.083, Subdivisions 1 and 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

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, Section 290.01, Subdivision 20.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1111: A bill for an act relating to pollution; authorizing water pollution control fund grants for certain wastewater treatment projects; providing for use of state and federal funds in certain proportions; authorizing issuance of Minnesota state water pollution control bonds; appropriating money; amending Minnesota Statutes 1978, Section 116.18, Subdivisions 1 and 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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	Willet

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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	Willet

So the bill passed and its title was agreed to.

H. F. No. 588: A bill for an act relating to the county of Anoka; authorizing the county to enter into agreements with the Anoka State Hospital for community mental health services.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Bang	Bernhagen	Chenoweth	Coleman
Ashbach	Benedict	Brataas	Chmielewski	Davies

Dieterich	Keefe, J.	Menning	Purfeerst	Staples
Dunn	Keefe, S.	Merriam	Renneke	Stokowski
Engler	Kirchner	Moe	Rued	Strand
Frederick	Kleinbaum	Nichols	Schaaf	Stumpf
Gearty	Knaak	Ogdahl	Schmitz	Tennessen
Gunderson	Knoll	Olhoft	Setzepfandt	Ueland, A.
Hanson	Knutson	Olson	Sieloff	Ulland, J.
Hughes	Laufenburger	Penny	Sikorski	Vega
Humphrey	Lessard	Perpich	Sillers	Wegener
Jensen	Luther	Peterson	Solon	Willet
Johnson	McCutcheon	Pillsbury	Spear	

Mr. Nelson voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 966: 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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 14, as follows:

Those who voted in the affirmative were:

Bang	Gearty	Knoll	Penny	Sillers
Benedict	Gunderson	Knutson	Pillsbury	Solon
Bernhagen	Hughes	Laufenburger	Purfeerst	Staples
Brataas	Humphrey	Luther	Renneke	Stokowski
Chmielewski	Jensen	McCutcheon	Rued	Stumpf
Coleman	Johnson	Menning	Schaaf	Ueland, A.
Dieterich	Keefe, S.	Moe	Schmitz	Ulland, J.
Dunn	Kirchner	Ogdahl	Setzepfandt	Vega
Engler	Kleinbaum	Olhoft	Sieloff	Wegener
Frederick	Knaak	Olson	Sikorski	

Those who voted in the negative were:

Anderson	Keefe, J.	Nelson	Peterson	Tennessen
Chenoweth	Lessard	Nichols	Spear	Willet
Davies	Merriam	Perpich	Strand	

So the bill passed and its title was agreed to.

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

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	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	Willet
Frederick	Knoll	Olson	Sillers	

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	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	Willet
Frederick	Knoll	Olson	Sillers	

So the bill passed and its title was agreed to.

S. F. No. 736: A bill for an act relating to taxation; providing for the distribution of proceeds of taxation of electric transmission and distribution lines; eliminating certain annual payments by utilities; amending Minnesota Statutes 1978, Section 273.42; and Chapter 273, by adding a section; repealing Minnesota Statutes 1978, Section 116C.635.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 52 and nays 6, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Davies	Engler	Gunderson
Bang	Chenoweth	Dieterich	Frederick	Hughes
Bernhagen	Chmielewski	Dunn	Gearty	Humphrey

Jensen	McCutcheon	Olson	Schmitz	Tennessee
Johnson	Menning	Penny	Setzepfandt	Ueland, A.
Kirchner	Merriam	Perpich	Sikorski	Vega
Kleinbaum	Moe	Peterson	Solon	Wegener
Knaak	Nelson	Pillsbury	Spear	Willet
Knoll	Nichols	Renneke	Staples	
Knutson	Ogdahl	Rued	Stokowski	
Laufenburger	Olhoff	Schaaf	Stumpf	

Those who voted in the negative were:

Hanson	Luther	Sieloff	Sillers	Strand
Keefe, J.				

So the bill passed and its title was agreed to.

H. F. No. 842: A bill for an act relating to local government; providing for certain local improvements and special assessments; amending Minnesota Statutes 1978, Sections 429.011, by adding a subdivision; and 429.021, Subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 435: A bill for an act relating to education; increasing the maximum awards for scholarships and grants-in-aid; changing the eligibility for certain financial assistance; increasing the bonding authority of the higher education coordinating board; requiring that data on certain applicants for student financial assistance be classified as private and providing an exception; increasing the eligibility for a tuition subsidy for a public post-secondary vocational-technical school; prescribing additional qualifications for receipt of certain Indian scholarships; reconstituting the Minnesota Indian scholarship committee; appropriating money; amending Minnesota Statutes 1978, Sections 124.48; 136A.121, Subdivisions 4, 5, 7 and 8; 136A.162; 136A.171; and 136A.236, Subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Laufenburger introduced—

S. F. No. 1593: A bill for an act relating to the Minnesota Historical Society; appropriating money for a Mississippi river historical interpretation center.

Referred to the Committee on General Legislation and Administrative Rules.

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 202: A bill for an act relating to health; providing for several types of life support transportation service; providing for health systems agencies to be involved in the licensing process; providing factors to be used in making licensing recommendations; providing for standards for services; forbidding inquiry as to ability to pay before provision of life support transportation services; requiring rules for nonemergency transportation reimbursement under medical assistance; exempting certain providers; amending Minnesota Statutes 1978, Sections 144.801; 144.802; 144.803; 144.804; 144.805; 144.807, Subdivision 1; 144.808; 144.809 and 144.8091, Subdivision 1.

Senate File No. 202 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

Mr. Nelson moved that the Senate do not concur in the amendments by the House to S. F. No. 202 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 that the House wishes to recall for the purpose of further consideration House File No. 970.

H. F. No. 970: A bill for an act relating to unemployment compensation; limiting benefits paid to certain owners and relatives of certain businesses; amending Minnesota Statutes 1978, Section 268.07, Subdivision 3.

Edward A. Burdick, Chief Clerk, House of Representatives
May 19, 1979.

Mr. Pillsbury moved that H. F. No. 970 be taken from the table. The motion prevailed.

Mr. Pillsbury moved that H. F. No. 970 be returned to the House for further consideration. 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. 186: A bill for an act relating to crimes; limiting a perpetrator's right to commercially exploit the crime; providing for the payment of crime victims; appropriating money; amending Minnesota Statutes 1978, Chapter 299B, by adding a section.

Four members of the House have been appointed to such committee on the part of the House as follows: Byrne, McCarron, Rothenberg and Fritz.

Senate File No. 186 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 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. 831: A bill for an act relating to the Hennepin county park reserve district; regulating tax levies; reaffirming the requirement that the environmental quality board make its decisions by a majority vote; permitting certain requests for reconsideration of board decisions; amending Laws 1967, Chapter 721, Section 2, as amended; and Minnesota Statutes 1978, Section 116D.04, Subdivision 3.

Four members of the House have been appointed to such committee on the part of the House as follows: Ellingson, Jude, Heap and Ewald.

Senate File No. 831 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

Mr. President:

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

S. F. Nos. 1435 and 1548.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

REPORTS OF COMMITTEES

Mr. Laufenburger moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S. F. No. 455 and the report pertaining to appointments. The motion prevailed.

APPOINTMENTS

Mr. Coleman from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S. F. No. 528: Messrs. Davies, Pillsbury, and Spear.

H. F. No. 907: Messrs. Stokowski, Ogdahl, and Strand.

S. F. No. 129: Messrs. Luther, Dieterich, Schaaf, Sikorski and Pillsbury.

S. F. No. 917: Messrs. Keefe, S.; Nichols, and Laufenburger.

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 480, 702, 956, 376, 723, 527, 787, and H. F. Nos. 1084, 724 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.

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

S. F. No. 455: A bill for an act relating to liquor; registration of labels; amending Minnesota Statutes 1978, Section 340.62.

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 340.62, is amended to read:

340.62 [CERTAIN LIQUOR REGISTERED.] *Subdivision 1.* No licensed manufacturer or wholesaler shall manufacture or import for sale within the state, any brand of intoxicating liquor or non-intoxicating malt beverage such as distilled spirits and , wine, beer or malt beverage, or any distilled or vinous liquor designated as a specialty, wherein such liquor is ready for sale for beverage purposes without further processing, unless the label of such brand has been registered with and approved by the commissioner.

Subd. 2. The label of any brand of distilled liquor, beer or malt beverage may be registered only by the owner thereof or an authorized agent of the owner. No brand of distilled liquor, beer or malt beverage may be imported for sale within the state without the consent of the brand owner or authorized agent of the owner. Nothing in this subdivision shall be construed to repeal, limit or otherwise affect the provisions of sections 340.114.

Subd. 3. The label of any brand of wine may be registered by the owner thereof or an authorized agent of the owner. No brand of wine may be imported for sale within the state without the consent of the brand owner or authorized agent of the owner.

Subd. 4. The commissioner shall hereinafter establish a register for such brand labels, which labels shall be acceptable under the following conditions:

(1) No brand of intoxicating liquor as hereinbefore described shall be manufactured or imported for sale within the state after the passage of this act unless the brand label thereof has been submitted to and approved by the commissioner. The fee for such registration shall be \$10 \$15 for each brand label.

(2) The same registration and fee shall be required for any brand of liquor as hereinbefore described which has been manufactured or imported for sale within this state and in which the brand label for such brand has been filed with the commissioner

and wherein the sale of such brand has been discontinued within the state by the manufacturer or wholesaler for a period of two years.

(3) After the sale of any brand of intoxicating liquor as hereinbefore described has been discontinued within this state for a period of three years by the manufacturer or wholesaler distributing it, said brand and its brand label and any and all registrations thereof in this state shall thereafter be conclusively presumed to have been abandoned by said manufacturer or wholesaler.

All labels shall be registered for a two year period. The registration period shall begin on the first day of the month in which the application is approved by the commissioner. When a label approval expires, it may be re-registered for another two year period, by refiling, paying the fee and obtaining the approval of the commissioner. In order to implement the provisions of this act, all labels approved before July 1, 1978 shall expire June 30, 1980 and all labels approved between July 1, 1978 and June 30, 1979 shall expire June 30, 1981.

(4) The terms "brand" and "brand label," when used herein in this section, shall each be construed to mean and include trademarks and designs used in connection therewith.

(5) All money received by the commissioner under the provisions of this section shall be paid to the state treasurer and such money shall be credited to the general fund.

Sec. 2. [EFFECTIVE DATE.] *This act is effective July 1, 1979. Section 1, subdivision 3 expires July 1, 1980.*"

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

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

S. F. No. 1553: A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors of a noncontroversial nature; amending Laws 1979, Chapter 63, Section 1, Subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. *Laws 1979, Chapter 56, Section 6, is effective the day following final enactment of this act.*

Sec. 2. *Laws 1979, Chapter 63, Section 1, Subdivision 2, is amended to read:*

Subd. 2. [AUTHORITY.] A supervising peace officer may order a telephone company to cut, reroute, or divert telephone lines for the purpose of *establishing and controlling communications with a violator*.

Sec. 3. Minnesota Statutes 1978, Section 98.46, Subdivision 3, as amended by Laws 1979, Chapter 94, Section 3, is amended to read:

Subd. 3. Fees for the following licenses, to be issued to residents only, shall be:

- (1) To harvest wild rice, \$4;
- (2) To buy ~~or~~ *and* sell wild ginseng, \$5.

Sec. 4. Minnesota Statutes 1978, Section 98.46, Subdivision 18, as amended by Laws 1979, Chapter 104, Section 1, is amended to read:

Subd. 18. Fees for the following licenses, to be issued to either residents or nonresidents shall be:

(1) For a wild rice dealer's license to buy wild rice within the state for resale to anyone except consumers, or to sell wild rice imported from outside the state to anyone within the state except consumers, \$50 if the amount of wild rice bought or sold by the licensee within the year covered by the license does not exceed 50,000 pounds, \$200 if such amount exceeds 50,000 pounds. For the purposes hereof the weight of wild rice in its raw state shall govern. All raw rice purchased by a dealer shall be reported in accordance with clauses (2), (3), (4), *and* (5), ~~and (6)~~ of this subdivision.

(2) Every application for a license under this subdivision shall be made on oath in writing in such form as the commissioner shall prescribe, stating the amount of wild rice, whether raw or processed, bought or sold by the applicant during the calendar year preceding the year for which the license is sought, the amount which the applicant estimates he will buy or sell under the license, and such other pertinent information as the commissioner may require. The license fee shall be paid in advance, based on such estimate, subject to adjustment as hereinafter provided; provided, that no license shall be issued for any year based on a lesser amount of wild rice than was bought or sold by the applicant during the preceding calendar year.

(3) Every licensee under this subdivision shall keep a correct and complete book record of all wild rice bought or sold by him during the period covered by his license, showing the date of each transaction, the names and addresses of all other parties thereto, and the amount of wild rice involved, whether raw or processed. Every such record shall be open for inspection by the commissioner, the coordinator of wild rice, or any conservation officer or agent of the commissioner at all reasonable times. Every licensee shall transmit to the commissioner within ten days after the end of each calendar month during the period covered by the license a

written report, in such form as the commissioner shall prescribe, signed by the licensee, stating the total amount of wild rice bought or sold by him during such calendar month, whether raw or processed.

(4) No dealer licensee under this subdivision shall at any time buy or sell any wild rice for which a license is required hereunder in excess of the amount covered by his license. In case a licensee shall desire to buy or sell any wild rice in excess of such amount, he shall before doing so make application for a supplemental license covering the increased amount of wild rice involved, and such license shall be issued to him upon payment of the prescribed fee therefor, less credit for the fees paid for the previous license or licenses issued to him hereunder for the same calendar year. Upon the issuance of such supplemental license, such previous license or licenses shall be surrendered to the commissioner.

(5) The wilful making of a false statement in any application for a license under this subdivision or in any report required hereunder, or the wilful making of a false entry in any record required hereunder, or any other violation of or failure to comply with any provision of this subdivision shall be a misdemeanor, punishable as provided by section 97.55, subdivision 1. Upon a second conviction within a period of three years of any person of any offense under this subdivision, any license hereunder then held by him shall immediately become null and void, and no such license shall be issued to him for one year after the date of such conviction."

Amend the title, as follows:

Page 1, line 6, before "amending" insert "providing for the effective date of Laws 1979, Chapter 56, Section 6;"

Page 1, line 7, after "2" insert "; Minnesota Statutes 1978, Section 98.46, Subdivisions 3, as amended, and 18, as amended."

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

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

H. F. No. 368: A bill for an act relating to community social services; establishing a formula for allocating state and federal funds to counties for the administration and provision of community social services; providing for community social service tax levies; prescribing the duties of county boards and the commissioner of public welfare; establishing an experimental program of services for chronically mentally ill persons; appropriating money; amending Minnesota Statutes 1978, Sections 245.61; 245.62; 245.63; 245.64; 245.66; 245.68; 245.69; 245.84, Subdivisions 1 and 5; 245.85; 245.87; 252.21; 252.22; 252.24, Subdivisions 1, 3 and 4; 252.25; 252.26; 252.261; 253A.02, by adding a subdivision; 253A.07, Subdivisions 1 and 7; 253A.09, Subdivision 1; 253A.10, Subdivision 4; 253A.14, Subdivision 1; 253A.15, Subdivisions 6, 11, 12 and 13; 254A.05, Subdivision 1; 254A.07, Subdivisions 1 and 2;

254A.08, Subdivision 1; 254A.12; 254A.14; and 254A.16, Subdivision 2; repealing Minnesota Statutes 1978, Sections 245.65; 245.651; 245.691; 254A.07, Subdivision 3; 254A.08, Subdivision 3; and 254A.17.

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

Delete everything after the enacting clause and insert:

"Section 1. [256E.01] [CITATION.] Sections 1 to 13 may be cited as the "community social services act."

Sec. 2. [256E.02] [POLICY.] Subdivision 1. [AVAILABILITY; PLANNING.] *The legislature finds that it is in the interest of the citizens of the state of Minnesota that public social problems be addressed systematically by the state and its political subdivisions. The legislature further finds that the development of plans for the treatment, reduction, and control of social problems should be done through an intergovernmental planning process involving the state and local units of government. The purpose of the intergovernmental planning process is to ensure the coordination of state and local programs in order to achieve the goals listed in subdivision 2.*

Subd. 2. [GOALS FOR STATE SOCIAL SERVICES.] *The legislature declares that social services programs should be designed to prevent, reduce, or control specific social problems, and that the broad goals of social services programs provided to the citizens of the state of Minnesota shall be to:*

(a) *Ensure the development of all persons to their full potential with special emphasis on those in need of protection;*

(b) *Assist and increase the capacity of individuals and families to achieve or maintain independence by strengthening, preserving, and rehabilitating those individuals and family units;*

(c) *Minimize the need for formal social systems to solve personal and family problems;*

(d) *Prevent neglect, abuse, or exploitation of those unable to protect their own interests; and*

(e) *Prevent, eliminate, and develop alternatives to unnecessary institutionalization, and to assist in securing appropriate institutional care when required.*

Sec. 3. [256E.03] [PURPOSE]. *It is the purpose of the "community social services act" to establish a system of planning for and providing community social services administered by the boards of county commissioners of each county under the supervision of the commissioner of public welfare.*

Sec. 4. [256E.04] [DEFINITIONS.] Subdivision 1. *For the purposes of sections 1 to 13 the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.*

Subd. 2. "Community social services" means services included in the comprehensive annual services plan published by the commissioner of public welfare and social services authorized by Minnesota Statutes, Sections 245.61 to 245.691, 245.83 to 245.87, 252.21 to 252.27, Subdivision 1, 254A.07, 254A.08, 254A.12, 254A.14, 260.-251, Subdivision 1a, 261.27 and 393.07, Subdivision 1. Community social services do not include public assistance programs known as aid to families with dependent children, Minnesota supplemental aid, medical assistance, general assistance, general assistance medical care, or community health services authorized by Minnesota Statutes, Sections 145.911 to 145.922.

Subd. 3. "Commissioner" means the commissioner of public welfare.

Subd. 4. "State social services plan" means the state social services plan developed pursuant to section 5.

Subd. 5. "County plan" means the community social services plan required by section 10.

Subd. 6. "County board" means the board of county commissioners in each county.

Subd. 7. "Human services board" means a board established pursuant to Minnesota Statutes, Section 402.02, Laws 1974, Chapter 293 or Laws 1976, Chapter 340.

Sec. 5. [256E.05] [BIENNIAL STATE PLAN.] Subdivision 1. *The commissioner shall prepare a biennial social services plan and present the plan to the governor and the legislature. The commissioner shall update the plan biennially. The plan shall include:*

(a) A statement of methods employed by the commissioner to assure that the community social services administered by or contracted for by the counties assist in the achievement of the goals specified in section 2, subdivision 2;

(b) A statement of methods used to ensure intergovernmental coordination of state and local planning and delivery of community social services;

(c) A coordination statement setting forth the relationship of the state social services plan to any other federal, state or locally financed human services programs, including but not limited to, programs for the aged, children, the developmentally disabled, the chemically dependent, and programs related to corrections, education, vocational rehabilitation, mental health, housing, health, and employment;

(d) A statement of the relationship of the state social services plan to comprehensive social, economic, physical, and environmental plans adopted by the regional development commissions and the metropolitan council, including the rationale for any differences; and

(e) An evaluation of the effectiveness of the prior two years performance of each program in relation to identified public social

problems, stating the measurable goals, objectives, methods, and outcome for those years, including the extent to which the numbers of persons and families proposed to be served by each category of social service were actually served, the direct cost, and the administrative cost per unit of social service for each category.

The commissioner shall consult with the heads of human service related state departments and agencies in preparing the coordination statement required by this subdivision.

Subd. 2. [PUBLIC NOTICE.] Copies of the proposed state plan shall be made reasonably available to the public allowing sufficient time for public review and comment. Copies of the updated state social services plan shall be submitted to the governor and the legislature prior to the beginning of each biennium and shall be made available to the public.

Sec. 6. [256E.06] [DUTIES OF COMMISSIONER OF PUBLIC WELFARE.] Subdivision 1. [GENERAL SUPERVISION.] The commissioner of public welfare shall supervise the community social services administered by the counties through standard-setting, technical assistance to the counties, approval of county plans, preparation of the state biennial plan, evaluation of community social services programs and distribution of public money for services.

Subd. 2. [PLAN APPROVAL.] Within 30 days after submission of the community social services plan by the counties pursuant to section 10, subdivision 5, the commissioner shall certify whether the plan fulfills the purposes and requirements of law and the rules of the state agency. If the commissioner certifies that the plan does not do so, he shall state the reasons therefore, and the county shall have 30 days to submit a plan amended to comply with the requirements of the commissioner. If the county fails to resubmit a plan amended as required by the commissioner, the commissioner shall notify the county of his intention to reduce state aids five percent for each 30 day period during which the county fails to amend the plan as required by the commissioner. The county board has the right to appeal the commissioner's decision pursuant to section 7, subdivision 10.

Subd. 3. [ADDITIONAL DUTIES.] The commissioner shall also:

(a) Provide necessary forms and instructions to the counties for plan format and information;

(b) Eliminate or revise all applicable department rules as appropriate to accommodate sections 1 to 13;

(c) Provide training and other support services to county boards to assist in needs assessment, planning, implementing, and monitoring social services programs in the counties;

(d) Design and implement a method of monitoring and evaluating the social services programs delivered within the state, and assure compliance with applicable standards, guidelines, and the county and state social services plans;

(e) Annually publish a report on community social services which shall reflect the contents of the individual county reports. The report shall be submitted to the governor and the legislature with an evaluation of community social service programs and recommendations for changes needed to fully implement state social service policies in relation to the goals stated in section 2, subdivision 2; and

(f) Request waivers from federal programs as necessary to implement sections 1 to 13.

Sec. 7. [256E.07] [DISTRIBUTION OF STATE AIDS.] Subdivision 1. [FORMULA.] The commissioner of public welfare shall distribute community social service aids to each county board in an amount determined according to the following formula:

(1) In calendar year 1980:

(a) An amount equal to \$65.50 times the average unduplicated number of persons who receive AFDC, general assistance, and medical assistance per month in calendar year 1979 as reported in the average monthly caseload reports required under Minnesota Statutes, Sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of public welfare;

(b) Plus an amount equal to \$3.05 times the number of persons residing in the county as determined by the most recent data of the state demographer;

(c) Plus an amount equal to \$26.75 times the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the state demographer.

(2) In calendar year 1981:

(a) An amount equal to \$69 times the average unduplicated number of persons who receive AFDC, general assistance, and medical assistance per month in calendar year 1979 as reported in the average monthly caseload reports required under Minnesota Statutes, Sections 256.01, 256B.04 and 256D.04, and certified by the commissioner of public welfare;

(b) Plus an amount equal to \$3.20 times the number of persons residing in the county as determined by the most recent data of the state demographer;

(c) Plus an amount equal to \$28.25 times the number of persons residing in the county who are 65 years old or older as determined by the most recent data of the state demographer.

If the legislature appropriates for any biennium a greater or lesser amount than the amount determined according to this formula, the amount due to the counties based on the formula in clauses (a) to (c) shall be increased or decreased accordingly. The local effort required by subdivisions 4 and 5 and any reductions required by subdivisions 6 to 9 or section 6, subdivision 2 shall be calculated on the basis of the amounts actually appropriated from year to year.

Subd. 2. [MINIMUM FUNDING LEVEL.] No county shall receive less for community social services under subdivision 1 in calendar years 1980 and 1981 than 106 percent and 112 percent respectively of the amount of state money it received in calendar year 1978 for moneys earned in calendar year 1978 as authorized by Laws 1977, Chapter 453, Section 2 and as authorized by the 1979 regular session of the seventy-first legislature for the following activities: community mental health centers pursuant to Minnesota Statutes, Sections 245.61 to 245.691 and 254A.07, except money authorized for programs serving native Americans pursuant to Minnesota Statutes, Section 254A.031; developmental achievement centers pursuant to Minnesota Statutes, Sections 252.21 to 252.261; day care services pursuant to Minnesota Statutes, Sections 245.83 to 245.87, except money authorized in the official worksheets of the senate and house conferees for migrant labor day care; money authorized in the official worksheets of the senate and house conferees for detoxification programs pursuant to Minnesota Statutes, Section 254A.08 and for half-way houses for chemically dependent persons; and money authorized for affected employees pursuant to Minnesota Statutes, Section 254A.12 and for services to youth and other underserved populations pursuant to Minnesota Statutes, Section 254A.14.

For purposes of this subdivision, 50 percent of the county administrative cost reimbursement authorized by Laws 1977, Chapter 453, Section 2, which was earned in calendar year 1978 is considered community social service money. The term state funds does not include any federal money received by the state or counties for financing these services.

No county shall receive more than 130 percent of the amount received in the immediately preceding year as specified in this subdivision. For the first year following the effective date of sections 1 to 13, no county shall receive more than 130 percent of the amount received in 1978.

Subd. 3. [PAYMENTS TO COUNTIES.] The commissioner of public welfare shall make payments for community social services to each county in four installments per year. The commissioner of public welfare may certify the payments for the first three months of a calendar year based on estimates of the unduplicated number of persons receiving AFDC, general assistance and medical assistance for the prior year. The following three payments shall be adjusted to reflect the actual unduplicated number of persons who received AFDC, general assistance and medical assistance as required by subdivision 1.

Subd. 4. [LOCAL EFFORT.] Each county shall quarterly certify to the commissioner of public welfare that the county has provided from its resources funding for community social services in an amount at least equal to its state aids pursuant to the formula in subdivision 1.

Subd. 5. [COMMUNITY SOCIAL SERVICE LEVY.] In calendar year 1979 for taxes payable 1980, each county board shall levy upon all taxable property in the county a tax at least equal

to the amount determined in subdivision 1 for community social service programs. In calendar year 1980 for taxes payable 1981, a county board shall levy upon all taxable property in the county a tax at least equal to the amount determined in subdivision 1. All money available to counties pursuant to this section may be used by counties to match federal money.

Subd. 6. [FAILURE TO SPEND.] A county which has not spent the aids granted under subdivision 1 for community social services within two years of receiving those aids shall receive a reduction in aid calculated pursuant to subdivision 1. This reduction shall be made in the calendar year which begins no more than 30 months after the underspending has occurred and shall be equal to one-half the amount of aids which were not spent.

Subd. 7. [FAILURE TO LEVY.] A county which levies less than the levy required in subdivision 5, shall receive a reduction in the aid calculated pursuant to subdivisions 1 and 2. The commissioner shall calculate the reduced aid as follows:

(a) Divide the amount levied by the amount required to be levied in subdivision 5; and

(b) Multiply the ratio derived in clause (a) times the aid calculated under subdivision 1.

Subd. 8. [INAPPROPRIATE EXPENDITURES.] Beginning in calendar year 1981, in counties containing a city of the first class, the distribution in aid provided in subdivision 1 shall be reduced by an amount equal to the community social service aids allocated pursuant to subdivision 1 in the immediately preceding year which have been spent for purposes other than community social services.

Subd. 9. [LOCAL GOVERNMENT AID.] Beginning in calendar year 1981 the distribution of local government aid pursuant to Minnesota Statutes, Section 477A.01, Subdivision 2 shall be reduced by an amount equal to the community social service aids allocated pursuant to subdivision 1 in the immediately preceding year which have been spent for purposes other than community social services.

Subd. 10. [APPEAL.] Prior to certifying any reduction in aids, the commissioner shall notify the county of his intention to certify a reduction. He shall notify the county of the right to a hearing. If the county requests a hearing within thirty days of notification of intention to reduce aids, the commissioner shall not certify any reduction in aids until a hearing is conducted and a decision rendered in accordance with the provisions of chapter 15 for contested cases.

Subd. 11. [PLANNING GRANTS.] The commissioner may make grants to counties for planning community social service programs. The commissioner shall specify the terms and conditions of the planning grants. Grants for planning shall be limited to one year.

Sec. 8. [256E.08] [TITLE XX ALLOCATION.] Subdivision 1. In federal fiscal year 1980 and subsequent years, money for social services that is received from the federal government to reimburse counties for social service expenditures pursuant to title XX of the social security act shall be allocated to each county according to the following formula:

(a) Two-thirds shall be allocated on the basis of the annual average number of unduplicated active caseloads in each county in the following programs: aid to families with dependent children, medical assistance, supplementary security income, and Minnesota supplemental aid.

(b) One-third shall be allocated on the basis of the number of persons residing in the county as determined by the most recent data of the state demographer.

(c) The commissioner shall allocate to the counties pursuant to this section the total money received from the federal government for social services pursuant to title XX of the social security act, except that portion of the state's allocation which the legislature authorizes for administrative purposes and for migrant day care.

(d) In federal fiscal year 1980 and in subsequent years the minimum title XX share of a county shall be the sum of:

(1) The title XX earnings of that county in calendar year 1978, except that in the counties of Hennepin, Ramsey and St. Louis the greater of 99 percent of their title XX earnings in calendar year 1978 or 99 percent of their allocation in federal fiscal year 1979; and

(2) One-half of the amount that the county would be entitled to by applying the allocation formula described in paragraphs (a), (b), and (c) to the amount of title XX money received by the state which is in excess of the state's 1979 federal fiscal year allocation.

If the amount allocated to any county pursuant to paragraphs (a), (b), and (c) is less than the minimum title XX share of that county, its allocation shall be raised to its minimum title XX share through a percent reduction applied to the amounts that allocations to other counties exceed their minimum title XX shares. If in any year the amount of title XX funds to the state is reduced below the level it received in federal fiscal year 1979, the guarantee provided in this paragraph shall be reduced by a percentage reduction equal to the percentage reduction in title XX money to the state as a whole. The commissioner of public welfare shall annually review the use of title XX money by each county and reallocate unused money among the other counties, except Hennepin, Ramsey and St. Louis counties, so as to raise them to their earnings in federal fiscal year 1979. Any federal title XX money unused after this reallocation shall be reallocated by the commissioner according to the formula in paragraphs (a), (b), and (c) so that all available federal money is used within the federal fiscal year.

Subd. 2. [TITLE XX TRAINING FUNDS.] *The commissioner shall make determined efforts to obtain the maximum amount of training money to which the state is entitled pursuant to title XX of the social security act. In allocating training money received from the federal government pursuant to title XX of the social security act, the commissioner shall, insofar as federal regulations allow, give preference to training or retraining county personnel in the administration of community social services.*

Sec. 9. [256E.09] [DUTIES OF COUNTY BOARDS.] *Subdivision 1. The county board of each county shall be responsible for administration, planning and funding of community social services programs. Each county board shall singly or in combination with other county boards as provided in section 10 prepare a social services plan for development and coordination of community social services programs and shall update the plan biennially. Upon final approval of the plan by the county board or boards, the plan shall be submitted to the commissioner. The county board shall distribute money available pursuant to sections 7 and 8 for community social services programs.*

Subd. 2. [COUNTY STAFF.] *The board may appoint a director of community social services to serve at the pleasure of the board and to perform the administrative functions required of the board by sections 1 to 13. The board may assign to the director of community social services the duties of the welfare director as described in section 393.04.*

Subd. 3. [ADMINISTRATION OF INCOME MAINTENANCE PROGRAMS.] *The county board may designate itself or another agency to perform the functions of county welfare boards as prescribed in chapter 393 and assigned to county agencies in other law which pertains to the administration of income maintenance programs known as aid to families with dependent children, general assistance, Minnesota supplemental aid, medical assistance, general assistance medical care, and emergency assistance.*

Subd. 4. [CONTRACTS FOR SERVICES.] *The county board may contract for community social services programs with a human services board, a multi-county board established by a joint powers agreement, other political subdivisions, or private organizations. The final approval of the community social services plan required in section 10 shall be made by the county board of each county.*

Subd. 5. [COMMUNITY SOCIAL SERVICES FUND.] *In the accounts and records of each county there shall be created a community social services fund. All moneys provided for community social services programs under sections 7 and 8 and all other revenues, fees, grants-in-aid, gifts, or bequests designated for community social services purposes shall be identified in the record of the fund and in the report required in subdivision 8. This fund shall be used exclusively for planning and delivery of community social services as defined in section 4, subdivision 2. If county boards have joined for purposes of administering community social services, the county boards may create a joint community social services fund. If a human service board has been*

established, the human service board shall account for community social services money as required in Minnesota Statutes, Chapter 402.

Subd. 6. [FEES FOR SERVICES.] The county board may, subject to approval of the commissioner, establish a schedule of fees based upon clients' ability to pay to be charged to recipients of community social services. Payment, in whole or in part, for services may be accepted from any person. When services are provided to any person, including a recipient of aids administered by the federal, state or county government, payment of any charges due may be billed to and accepted from a public assistance agency or from any public or private corporation.

Subd. 7. [COUNTY OF FINANCIAL RESPONSIBILITY.] The county responsible for payment for community social services is the county in which the recipient of services resides at the time of application. The county of financial responsibility does not change as a result of referral for services to another county. Minors are considered as residing in the county in which their parents or guardians reside. When a minor reaches the age of 18, the county of financial responsibility is the county in which the minor resides. If a person continues in residential care or treatment after reaching the age of 18, the county which initiated the treatment is the county of financial responsibility.

Subd. 8. [FINANCIAL REPORTING BY COUNTIES.] Beginning in calendar year 1980 each county shall submit to the commissioner of public welfare a financial accounting of the county's community social services fund. A quarterly statement shall be submitted no later than 15 days after the end of the calendar quarter, and shall include:

(a) A detailed statement of income and expenses attributable to the fund in the preceding quarter; and

(b) A statement of the source and application of all money used for social services programs by the county during the preceding quarter, including the number of clients served and expenditures for each service provided, as required by the commissioner of public welfare.

In addition, each county shall submit to the commissioner of public welfare no later than February 15 of each year, a detailed balance sheet of the community social development fund for the preceding calendar year.

If county boards have joined or designated human service boards for purposes of providing community social services programs, the county boards may submit a joint statement or the human service board shall submit the statement, as applicable.

Subd. 9. [REDUCTION IN SERVICES PROHIBITED.] In calendar years 1980 and 1981 the county board shall not reduce the funding provided in calendar year 1979 for the following services: child care, mental health, chemical dependency, and mental retardation services, including developmental achievement centers.

Subd. 10. [INTERCOUNTY COOPERATION.] *Two or more contiguous counties which are situated within the boundaries of the same region designated pursuant to Minnesota Statutes, Sections 462.381 to 462.396 or the metropolitan area as defined in Minnesota Statutes, Section 473.121, Subdivision 2, and which have not established a human services board may, by resolution of their respective county boards, agree to combine into one board for social service purposes to serve the counties that enter into the agreement. The joint board shall have the same powers, duties, and functions as the individual county boards. The term of the joint board, withdrawal from the joint board, composition of the board, and contribution to the expenses of the board shall be according to the terms of the agreement. Nothing in this section shall prevent a county board from purchasing services from an agency outside the boundaries of the Minnesota economic development region in which it is situated. A joint board established pursuant to this section may encompass completely two regions. Insofar as possible, social services which are jointly administered shall be equally accessible to all citizens of the counties which are party to the agreement.*

Sec. 10. [256E.10] [COMMUNITY SOCIAL SERVICE PLANS.] Subdivision 1. [PLAN PROPOSAL.] *Commencing in 1980, and every two years thereafter, the county board shall, on or before May 1 of that year, publish and make available upon request to all residents of the county a proposed biennial community social services plan.*

Subd. 2. [CITIZEN PARTICIPATION.] *The county board shall provide opportunities for participation by citizens in the county, including representatives of users of services, in the development of the biennial plan and in the allocation of money for community social services. At least 60 days prior to publication of the proposed plan the county board shall publish the methods proposed to achieve citizen participation in the planning process.*

Subd. 3. [PLAN CONTENT.] *The biennial community social services plan published by the county shall include:*

(a) A statement of the goals of community social service programs in the county;

(b) Methods used pursuant to subdivision 2 to encourage participation of citizens and providers in the development of the plan and the allocation of money;

(c) Methods used to identify persons in need of service and the social problems to be addressed by the community social service programs;

(d) A description of each community social service proposed and identification of the agency or person proposed to provide the service;

(e) The amount of money proposed to be allocated to each service;

(f) *An inventory of public and private resources which are available to the county for social services;*

(g) *Evidence that serious consideration was given to the purchase of services from private and public agencies; and*

(h) *Methods whereby community social service programs will be monitored and evaluated by the county.*

Subd. 4. [PLAN SUBMISSION.] *The county board of commissioners shall submit the biennial community social services plan to the commissioner of public welfare. The date of publication and submission to the commissioner shall be determined so that the plan is coordinated with the proposed and final comprehensive annual services program plan required by title XX of the social security act.*

Subd. 5. [PUBLIC NOTICE.] *The county board shall make available to the public through publication or posting in public buildings the names and locations of agencies responsible for the provision of community social services.*

Sec. 11. [256E.11] [PROGRAM EVALUATION.] *Beginning in calendar year 1981, each county shall submit to the commissioner a report on the effectiveness of the community social service programs in the county. The commissioner in collaboration with county boards shall prescribe standard methods to be used by the counties in making the report. The report shall be submitted no later than January 15 of each year and shall include:*

(a) *The number and type of recipients of each service; and*

(b) *An evaluation on the basis of measurable program objectives and performance criteria for each county social service program.*

Sec. 12. [256E.12] [PILOT PROGRAMS.] *Nothing in sections 1 to 13 shall prohibit the commissioner from making grants for pilot programs in certain counties or on a statewide basis when the legislature authorizes money to encourage innovation in community social services programs or to respond to the needs of a specified group of persons.*

Sec. 13. [256E.13] [GRANTS FOR CHRONICALLY MENTALLY ILL PERSONS.] **Subdivision 1.** *The commissioner shall establish an experimental statewide program to assist counties in providing services to chronically mentally ill persons. The commissioner shall make grants to counties to establish, operate, or contract with private providers to provide service designed to help chronically mentally ill persons remain and function in their own communities.*

Subd. 2. *To apply for a grant a county board shall submit an application and budget for the use of the money in the form specified by the commissioner. The commissioner shall make grants only to counties whose applications and budgets are approved by the commissioner. A county receiving a grant under this section shall finance at least ten percent of the cost of services for chronically*

mentally ill persons from local resources, which may include private contributions and federal money.

Subd. 3. The commissioner shall allocate grants under this section to finance up to 90 percent of each county's costs for services for chronically mentally ill persons. The commissioner shall promulgate temporary rules to govern grant applications, approval of applications, allocation of grants, and maintenance of financial statements by grant recipients. The commissioner shall require collection of data and periodic reports as the commissioner deems necessary to demonstrate the effectiveness of the services in helping chronically mentally ill persons remain and function in their own communities. The commissioner shall report to the legislature no later than January 15, 1981 on the effectiveness of the experimental program and his recommendations regarding making this program an integral part of the social development programs administered by counties. The experimental program shall expire no later than June 30, 1981.

Sec. 14. Minnesota Statutes 1978, Section 245.61, is amended to read:

245.61 [COUNTY BOARDS MAY MAKE GRANTS FOR LOCAL MENTAL HEALTH PROGRAMS.] ~~The commissioner of public welfare is~~ *County boards are* hereby authorized to make grants to ~~assist cities, counties, towns or any combinations thereof, or non-profit corporations in the establishment public or private agencies to establish and operation of~~ *operate* local mental health programs to provide the following services: (a) collaborative and cooperative services with public health and other groups for programs of prevention of mental illness, mental retardation, alcoholism, and other psychiatric disabilities; (b) informational and educational services to the general public, and lay and professional groups; (c) consultative services to schools, courts and health and welfare agencies, both public and private, including diagnostic evaluation of cases from juvenile courts; (d) out-patient diagnostic and treatment services; (e) rehabilitative services for patients suffering from mental or emotional disorders, mental retardation, alcoholism, and other psychiatric conditions particularly those who have received prior treatment in an in-patient facility; (f) detoxification in alcoholism evaluation and service facilities.

Sec. 15. Minnesota Statutes 1978, Section 245.62, is amended to read:

245.62 [COMMUNITY MENTAL HEALTH PROGRAM; TAX LEVY.] ~~Any city, county, town, or any combination thereof, of over 50,000 population, and upon consent of the commissioner of public welfare, any city, county, town or combination thereof with less than 50,000 population, may establish a community mental health services program and may establish clinics and staff same with persons specially trained in psychiatry and related fields. Such programs and clinics may be administered by a city, county, town, or non-profit corporation or a community mental health board established pursuant to sections 245.61 to 245.69. After June 30, 1977, each community mental health services program must be contained~~

completely within the boundaries of one Minnesota economic development region except that a community mental health board may encompass completely two Minnesota economic development regions.

In order to provide the necessary funds to establish and operate a mental health services program and to establish and maintain a clinic, the governing body of any city, county or town may levy annually upon all taxable property in such city, county or town a special tax in excess of any statutory or charter limitation but except when levied by a county, such levy shall not exceed two-thirds of one mill. The governing body of any city, county or town may make such a levy, where necessary, separate from the general levy and at any time of the year. Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns or counties.

Sec. 16. Minnesota Statutes 1978, Section 245.63, is amended to read:

245.63 [ASSISTANCE OR GRANT.] Any city, county, town, non-profit or public or private corporation or community mental health board administering a mental health services program may apply to a county board for the assistance provided by sections 245.61 to 245.69 by submitting annually to the commissioner of public welfare its plan and budget for the next fiscal year together with the recommendations of the community mental health board thereon in establishing and funding a mental health services program. No programs shall be eligible for a grant hereunder unless its plan and budget have been approved by the commissioner. After June 30, 1977, no program shall be eligible for a grant hereunder unless it is contained completely within the boundaries of one Minnesota economic development region except that a community mental health board may encompass completely two Minnesota economic development regions county board or boards.

Sec. 17. Minnesota Statutes 1978, Section 245.64, is amended to read:

245.64 [FUNDS ALLOCATED.] At the beginning of each fiscal year in preparing the biennial plan prescribed in section 6, the commissioner of public welfare county board shall allocate available funds to the mental health programs for disbursement during the fiscal year in accordance with such approved plans and budgets. The commissioner shall county board may, from time to time during the fiscal year, review the budgets and expenditures of the various programs and if funds are not needed for a program to which they were allocated, he it may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other programs. He may The county board may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

Sec. 18. Minnesota Statutes 1978, Section 245.66, is amended to read:

245.66 [COMMUNITY MENTAL HEALTH BOARDS.] Every city, ~~county or town or~~, combination thereof or corporation establishing a community mental health services program shall, before it may come within the provisions of sections 245.61 to 245.69, establish a community mental health board. When a combination of six or less political subdivisions establish a program, the board shall consist of at least nine members, but not more than twelve members, at the option of the selection committee. When seven or more political subdivisions establish a program the board shall consist of at least nine members, but not more than fifteen members, at the option of the selecting committee. When any city, county or town singly establishes a program, the board shall be appointed by the chief executive officer of the city or the chairman of the governing body of the county or town. When *the county contracts with a non-profit corporation is the administrator of a to operate the program* ~~not established by a city, county or town,~~ the corporation shall select a community mental health board which shall be representative of the groups herein enumerated, but the number of members need not be nine. When any combination of the political subdivisions herein enumerated establishes a community mental health services program, the chief executive officer of each participating city and the chairman of the governing body of each participating county or town shall appoint two members to a selecting committee, which shall select the members of the board. Membership of the community mental health boards shall include at least one county commissioner representative from each participating county and shall also be representative of local health departments, medical societies, county welfare boards, hospital boards, lay associations concerned with mental health, mental retardation and chemical dependency, labor, agriculture, business, civic and professional groups and the general public. Membership may include a representative from any county which purchases substantial services from the community mental health board. Nothing in Laws 1975, Chapter 69 shall prevent a county or community mental health board from purchasing services from an agency outside the boundaries of the Minnesota economic development region.

Sec. 19. Minnesota Statutes 1978, Section 245.68, is amended to read:

245.68 [DUTIES OF COMMUNITY MENTAL HEALTH BOARDS.] Subject to the provisions of this section and the rules and regulations of the commissioner of public welfare, each community mental health board shall:

(a) Facilitate and implement programs in mental health, mental retardation and inebriacy so as to assure delivery of services;

(b) Review and evaluate community mental health service provided pursuant to sections 245.61 to 245.69, and report thereon to the ~~commissioner of public welfare~~ *county board*, the administrator of the program, and, when indicated, the public, together with recommendations for additional services and facilities;

(c) Recruit and promote local financial support for the program

from private sources such as community chests, business, industrial and private foundations, voluntary agencies and other lawful sources, and promote public support for municipal and county appropriations;

(d) Promote, arrange and implement working agreements with other social service agencies, both public and private, and with other educational and judicial agencies;

(e) Advise the administrator of the community mental health program on the adoption and implementation of policies to stimulate effective community relations;

(f) Review the annual plan and budget and make recommendations thereon;

(g) When so determined by the authority establishing the program, act as the administrator of the program;

~~(i) Establish and operate a detoxification center;~~

~~(j) (h) Encourage and assist innovative private treatment programs;~~

~~(k) (i) Provide services for drug dependent persons; and~~

~~(l) (j) Appoint advisory committees in at least the areas of mental health, mental retardation and inebriacy. A committee shall consist of residents of the area served who are interested and knowledgeable in the area governed by such committee. These advisory committees shall report regularly to the board.~~

Sec. 20. Minnesota Statutes 1978, Section 245.69, is amended to read:

245.69 [ADDITIONAL DUTIES OF COMMISSIONER.] In addition to the powers and duties already conferred upon him by law the commissioner of public welfare shall:

(a) Promulgate rules and regulations governing eligibility of community mental health programs to receive state grants, prescribing standards for qualification of personnel and quality of professional service and for in-service training and educational leave programs for personnel, governing eligibility for service so that no person will be denied service on the basis of race, color or creed, or inability to pay, providing for establishment, subject to the approval of the commissioner, of fee schedules which shall be based upon ability to pay and the guiding principle of which shall be that no one who can afford to pay for his own treatment at the rate customarily charged in private practice shall be treated in the community mental health services clinic except as hereinafter provided, regulating fees for consultation and diagnostic services which services may be provided to anyone without regard to his financial status when referred by the courts, schools, or health or welfare agencies whether public or private, and such other rules and regulations as he deems necessary to carry out the purposes of sections 245.61 to 245.69.

(b) Review and evaluate local programs and the performance of

administrative and psychiatric personnel and make recommendations thereon to ~~community mental health~~ county boards and program administrators;

(c) Provide consultative staff service to communities to assist in ascertaining local needs and in planning and establishing community mental health programs; and

(d) Employ qualified personnel to implement sections 245.61 to 245.69.

Sec. 21. Minnesota Statutes 1978, Section 245.84, Subdivision 1, is amended to read:

245.84 [AUTHORIZATION TO MAKE GRANTS.] Subdivision 1. The ~~commissioner~~ county board is authorized to make grants from the ~~general fund in the state treasury~~ community social service fund to any municipality, ~~county~~, corporation or combination thereof for the cost of providing technical assistance and child care services as the ~~commissioner~~ board deems necessary or proper to carry out the purposes of sections 245.83 to 245.87.

The ~~commissioner~~ board is further authorized to make grants to any municipality, ~~county~~, incorporated licensed child care facility, or corporation or combination thereof for any of the following purposes:

(a) For creating new licensed day care facilities and expanding existing facilities including, but not limited to, supplies, equipment, and facility renovation and remodeling;

(b) For improving licensed day care facility programs, including, but not limited to, staff specialists, staff training, supplies, equipment, and facility renovation and remodeling;

(c) For supportive child development services including, but not limited to, inservice training, curriculum development, consulting specialist, resource centers, and program and resource materials;

(d) For carrying out programs including, but not limited to, staff, supplies, equipment, facility renovation, and training; and,

(e) For interim financing.

Sec. 22. Minnesota Statutes 1978, Section 245.84, Subdivision 5, is amended to read:

Subd. 5. The ~~commissioner~~ county shall ~~annually~~ biennially develop a plan for the distribution of funds for child care services as part of the community social services plan prescribed in section 6. All licensed child care programs shall be given written notice concerning the availability of funds and the application process.

Sec. 23. Minnesota Statutes 1978, Section 245.85, is amended to read:

245.85 [TERMINATION OF ALL OR PART OF A GRANT.] The ~~commissioner~~ county board shall supervise and coordinate all

child care services and programs for which a grant has been made pursuant to sections 245.83 to 245.87, and shall endeavor insofar as possible to establish a set of program standards and uniform regulations to coordinate child care services and programs at the state and local level. The ~~commissioner board~~ shall, from time to time, review the budgets, expenditures and development of each child care service and program to which a grant has been made pursuant to sections 245.83 to 245.87. If the ~~commissioner~~ determines that any portion of the grants made to establish and operate a child care service or a program are no longer needed, that local support is not available to finance the local share of the cost of such service or programs, or that such service or programs do not comply with the rules, regulations, standards or requirements of the ~~commissioner~~, the ~~commissioner~~ may, upon 30 days notice, withdraw any funds not allocated prior to the delivery of such notice and cancel the grant to the extent of such withdrawal.

Funds for each year of the biennium which have not been granted by the end of the sixth month of that year may be allocated without regard to restrictions set forth in section 245.87.

Sec. 24. Minnesota Statutes 1978, Section 245.87, is amended to read:

245.87 [ALLOCATIONS.] For the purposes of sections 245.83 to 245.87 section 245.84, subdivision 2 grants shall be distributed between the metropolitan area, comprising the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington, and the area outside the metropolitan area so that no more than 55 percent of the total fund goes to either area after excluding allocations for migrant day care services, administrative costs and statewide projects. At least ten percent of the total program allocation shall be designated for interim financing. The commissioner is further instructed that the allocation in each area be based on a need and population basis.

Sec. 25. Minnesota Statutes 1978, Section 252.21, is amended to read:

252.21 [COUNTY BOARDS MAY MAKE GRANTS FOR DEVELOPMENTAL ACHIEVEMENT CENTERS FOR THE MENTALLY RETARDED AND CEREBRAL PALSID.] In order to assist in the establishment of developmental achievement centers for the mentally retarded and cerebral palsied, the ~~commissioner of public welfare~~ is ~~county board or boards~~ are hereby authorized and directed to make grants, within the limits of the money appropriated, to those developmental achievement centers for the mentally retarded and cerebral palsied that he shall select.

Sec. 26. Minnesota Statutes 1978, Section 252.22, is amended to read:

252.22 [APPLICANTS FOR ASSISTANCE; TAX LEVY.] Any city, town, ~~county~~ or non-profit corporation or any combination thereof, may apply to the ~~commissioner of public welfare~~ ~~county board~~ for assistance in establishing and operating a developmental

achievement center and program for mentally retarded and cerebral palsied persons. Application for such assistance shall be on forms supplied by the ~~commissioner~~ board. Each applicant shall annually submit to the ~~commissioner~~ board its plan and budget for the next fiscal year. No applicant shall be eligible for a grant hereunder unless its plan and budget have been approved by the ~~commissioner~~ board.

Any city, town, or county is authorized, at the discretion of its governing body, to make grants from special tax revenues or from its general revenue fund to any nonprofit organization, governmental or corporate, within or outside its jurisdiction, that has established a developmental achievement center for the mentally retarded and cerebral palsied. In order to provide necessary funds to establish and operate developmental achievement centers for the mentally retarded and cerebral palsied, the governing body of any city, town, or county may levy annually upon all taxable property in such city, town, or county, a special tax in excess of any statutory or charter limitation but such levy shall not exceed one-sixth of one mill as to any city or town. The governing body of any city, town, or county may make such a levy, where necessary, separate from the general levy. Nothing contained herein shall in any way preclude the use of funds available for this purpose under any existing statute or charter provision relating to cities, towns and counties.

Sec. 27. Minnesota Statutes 1978, Section 252.24, Subdivision 1, is amended to read:

252.24 [DUTIES OF COUNTY BOARDS.] Subdivision 1. [SELECTION OF DEVELOPMENTAL ACHIEVEMENT CENTERS.] The ~~commissioner~~ of public welfare county board shall select those applicants for assistance and grant them assistance, as provided in subdivision 3, whose developmental achievement center location and program is licensed under the provisions of sections 245.781 to 245.813 and 257.175, and in his the board's opinion, best provides daytime activities for mentally retarded and cerebral palsied persons within the state appropriation made available for this purpose.

Sec. 28. Minnesota Statutes 1978, Section 252.24, Subdivision 3, is amended to read:

Subd. 3. [PAYMENT PROCEDURE.] The ~~commissioner~~ of public welfare board at the beginning of each fiscal year, shall allocate available funds to developmental achievement center programs for disbursement during the fiscal year to those centers that have been selected to receive grants and whose plans and budgets have been approved. The ~~commissioner~~ board shall, from time to time during the fiscal year, review the budgets, expenditures and programs of the various centers and if he it determines that any amount of funds are not needed for any particular center to which they were allocated, he it may, after 30 days' notice, withdraw such funds as are unencumbered and reallocate them to other centers. He It may withdraw all funds from any center upon 90 days' notice whose program is not being administered in accordance with its approved plan and budget.

Sec. 29. Minnesota Statutes 1978, Section 252.24, Subdivision 4, is amended to read:

Subd. 4. [FEES.] No grants of assistance to any center shall exceed 60 percent of all its expenditures for (a) salaries, (b) contract facilities and services, (c) operation, maintenance and service costs, (d) rent of an appropriate facility, (e) mortgage or other financial costs specifically approved and authorized by the commissioner of public welfare, (f) other expenditures specifically approved and authorized by the commissioner of public welfare; provided, the grant of assistance to each center shall fund the center's total cost under its approved budget for the fiscal year for transportation to and from the center of persons who fulfill the eligibility requirements of section 252.23, subdivision 1, and who attend the center.

The board of directors of a developmental achievement center may, with the approval of the *county board and the* commissioner, charge a reasonable attendance fee, based on the ability of the mentally retarded or cerebral palsied person, his guardian or family to pay such a fee. No mentally retarded or cerebral palsied person shall be denied participation in the activities of such a center because of an inability to pay such a fee.

Sec. 30. Minnesota Statutes 1978, Section 252.25, is amended to read:

252.25 [BOARD OF DIRECTORS.] Every city, town, ~~county~~ or non-profit corporation, or combination thereof, establishing a developmental achievement center for the mentally retarded and cerebral palsied shall, before it comes under the terms of sections 252.21 to 252.26, appoint a board of directors for the center program. When any city, ~~or town or county~~ singly establishes such a center, such board shall be appointed by the chief executive officer of the city or the chairman of the governing board of the ~~county or town~~. When any combination of cities, towns, ~~counties~~ or non-profit corporations, establishes such a center, the chief executive officers of the cities or non-profit corporations and the chairman of the governing bodies of the ~~counties or towns~~ shall appoint the board of directors. If a non-profit corporation singly establishes such a center, its chief executive officer shall appoint the board of directors of the center. Membership on a board of directors while not mandatory, should be representative of local health, education and welfare departments, medical societies, mental health centers, associations concerned with mental retardation and cerebral palsy, civic groups and the general public. Nothing in sections 252.21 to 252.26 shall be construed to preclude the appointment of elected or appointed public officials or members of the board of directors of the sponsoring non-profit corporation to such board of directors.

Sec. 31. Minnesota Statutes 1978, Section 252.26, is amended to read:

252.26 [DUTIES OF BOARD OF DIRECTORS.] Subject to the provisions of sections 252.21 to 252.26 and the rules of the

commissioner of public welfare, each board of directors of a developmental achievement center shall:

(1) Recruit and promote financial support for the center from sources such as business, labor, industrial and private foundations, voluntary agencies, and the general public;

(2) Promote and enter into working agreements with other social service and educational agencies, both public and private, which provide service to the mentally retarded and cerebral palsied;

(3) Advise the ~~commissioner of public welfare~~ *county board* on the adoption and implementation of policies to stimulate effective community relations;

(4) Review the annual budget and plan of the center and make recommendations thereon;

(5) Review and evaluate periodically the services provided by the center and report thereon to the ~~commissioner of public welfare~~ *county board*, and when indicated to the public;

(6) Provide for transportation to and from the center of all persons who fulfill the eligibility requirements of section 252.23, clause (1) and who attend the center, if provision for this transportation is not unreasonably burdensome to the center and if a more efficient, reasonable, alternative means of transportation does not exist.

Sec. 32. Minnesota Statutes 1978, Section 252.261, is amended to read:

252.261 [EXISTENCE.] Any daytime activity center in existence on September 1, 1977 shall be deemed to be a developmental achievement center for the purposes of ~~Laws 1977, Chapter 337, Sections 1 to 7~~ *sections 252.21 to 252.26*.

Sec. 33. Minnesota Statutes 1978, Section 253A.02, is amended by adding a subdivision to read:

Subd. 23. "Designated agency" means an agency selected by the county board to provide the services under Minnesota Statutes, Chapter 253A.

Sec. 34. Minnesota Statutes 1978, Section 253A.07, Subdivision 1, is amended to read:

253A.07 [JUDICIAL COMMITMENT.] Subdivision 1. Any interested person may file in the probate court of the county of the proposed patient's settlement or presence a petition for commitment of a proposed patient, setting forth the name and address of the proposed patient, the name and address of his nearest relatives, and the reasons for the petition. Such petition shall be accompanied either by a written statement by a licensed physician stating that he has examined the proposed patient and is of the opinion that the proposed patient may be mentally ill, mentally deficient, or inebriate, and should be hospitalized, or by a written statement by the petitioner that, after reasonable effort, the peti-

tioner has been unable to obtain an examination by a licensed physician or that an examination could not be performed. Before filing, a copy of the petition shall be delivered by the petitioner to the ~~county welfare department~~ *designated agency*.

Sec. 35. Minnesota Statutes 1978, Section 253A.07, Subdivision 7, is amended to read:

Subd. 7. The probate court shall direct the ~~county welfare department~~ *designated agency* to make an investigation into the financial circumstances, family relationships, residence, social history, and background of such patient and make a report thereof in writing to be filed with the court for the use and guidance of the head of the hospital to which such person may be committed. The court may require that such report be filed prior to the commitment hearing.

Sec. 36. Minnesota Statutes 1978, Section 253A.09, Subdivision 1, is amended to read:

253A.09 [TRANSPORTATION.] Subdivision 1. Whenever an individual is about to be placed in a hospital or public health facility under the terms of sections 253A.01 to 253A.21, the court may by order:

(a) Upon the request of an interested person, authorize the ~~county welfare department~~ *designated agency* to arrange for the individual's transportation to the hospital with appropriate medical or nursing attendants, and by such means as may be suitable for the individual's condition. The person making the request shall be liable for the cost of such transportation.

(b) Authorize ~~county welfare department~~ *the designated agency* or public health facility personnel to transport the individual to the designated facility if the head of the ~~welfare department~~ *designated agency* or health facility has advised the court that such personnel are available for the purpose.

(c) Authorize an interested or any other responsible person to transport the individual to the designated facility.

(d) Authorize a peace officer to transport the individual to the hospital or public health facility. Unless otherwise ordered by the court, the peace officer shall not be in uniform and shall use a motor vehicle not visibly marked as a police vehicle.

Sec. 37. Minnesota Statutes 1978, Section 253A.10, Subdivision 4, is amended to read:

Subd. 4. The ~~county welfare board~~ *designated agency* shall take such reasonable measures, including provision for medical treatment, as may be necessary to assure proper care and treatment of a person temporarily detained pursuant to this section.

Sec. 38. Minnesota Statutes 1978, Section 253A.14, Subdivision 1, is amended to read:

253A.14 [TRANSFER.] Subdivision 1. The commissioner may transfer any patient who is committed by probate court as men-

tally ill, mentally deficient, or inebriate from one state hospital or institution to any other hospital or other institution under his jurisdiction which is capable of providing such patient proper care and treatment, unless such patient was found by the committing court to be dangerous to the public or to have a psychopathic personality. Whenever a patient is transferred from one hospital to another written notice shall be given to the probate court if the patient was committed under sections 253A.01 to 253A.21, and to his parent or spouse or, if none be known, to an interested person, and the county welfare board *designated agency*.

Sec. 39. Minnesota Statutes 1978, Section 253A.15, Subdivision 6, is amended to read:

Subd. 6. Notice of the expiration of the one year period or of the extended period shall be given by the head of the hospital to the committing court, the commissioner, and the county welfare board *designated agency*.

Sec. 40. Minnesota Statutes 1978, Section 253A.15, Subdivision 11, is amended to read:

Subd. 11. (a) The head of any hospital, prior to the discharge or provisional discharge of any patient committed as mentally ill, mentally deficient, or inebriate, shall notify the patient's spouse, or if there be none, an adult child, or if there be none, the next of kin of the patient, of the proposed discharge date. The notice shall be sent to the last known address of the patient's next of kin by certified mail with return receipt. Further, the notice shall include the following information: (1) the proposed date of discharge or provisional discharge; (2) the date, time and place of the meeting of the staff, who have been treating the patient, to discuss discharge and discharge planning; (3) that the patient will be present at the meeting; (4) that the next of kin may attend the designated staff meeting and present any information relevant to the discharge of the patient. The notice shall be sent to the next of kin at least one week prior to the date designated for the meeting.

(b) The head of any hospital, upon the provisional discharge, partial hospitalization, or release of any patient hospitalized under sections 253A.01 to 253A.21, shall notify the welfare board and in the event the patient is a drug dependent person the community mental health center of the county of such patient's residence *designated agency* before the patient is to leave the hospital. Whenever possible said notice shall be given at least one week before the patient is to leave the hospital. The commissioner shall provide by regulation rule the procedure and methods whereby such patient shall be helped to receive all public assistance benefits provided by state or federal law to which his residence and circumstances entitle him. Such regulations *The rules* shall be uniformly applied in all counties, and all counties shall provide temporary relief whenever necessary to meet the intent of this subdivision.

Sec. 41. Minnesota Statutes 1978, Section 253A.15, Subdivision 12, is amended to read:

Subd. 12. Prior to the date of discharge, provisional discharge, partial hospitalization, or release of any patient hospitalized under sections 253A.01 to 253A.21, the ~~county welfare board~~ *designated agency* of the county of such patient's residence, in cooperation with the head of the hospital where the patient is hospitalized, the ~~director of the community health center service of said area~~, and the patient's physician, if notified pursuant to subdivision 13, shall establish a continuing plan of after-care services for such patient including a plan for medical and psychiatric treatment, nursing care, vocational assistance, and such other aid as the patient shall need. It shall be the duty of ~~such welfare board~~ *the designated agency* to supervise and assist such patient in finding employment, suitable shelter, and adequate medical and psychiatric treatment, and to aid in his readjustment to the community.

Sec. 42. Minnesota Statutes 1978, Section 253A.15, Subdivision 13, is amended to read:

Subd. 13. In establishing such plan for after-care services the ~~county welfare board~~ *designated agency* shall engage in ~~such~~ consultation with persons or agencies, including any public health nurse and vocational rehabilitation personnel, as is necessary to insure adequate planning for after-care services.

Sec. 43. Minnesota Statutes 1978, Section 254A.05, Subdivision 1, is amended to read:

254A.05 [DUTIES OF ADVISORY COUNCIL.] Subdivision 1.

(a) The council shall assist in the formulation of policies and guidelines for the implementation of the commissioner's responsibilities in the area of alcohol and drug abuse.

(b) The council shall advise the commissioner and director on policies, goals, and the operation of the comprehensive state plan for alcohol and drug abuse program services in the state and other matters as directed by the commissioner and director, and shall encourage public understanding and support of the alcohol and drug abuse programs.

(c) The council shall make recommendations to the commissioner regarding ~~grants of federal money to community mental health county boards~~ *under section 254A.07*.

Sec. 44. Minnesota Statutes 1978, Section 254A.07, Subdivision 1, is amended to read:

254A.07 [COMPREHENSIVE PROGRAMS; COORDINATION OF LOCAL PROGRAMS] ~~welfare shall designate the community mental health boards to~~ *(a) county board shall coordinate* all alcohol and other drug abuse services conducted by local agencies, and ~~to~~ *(b) review* all proposed agreements, contracts, plans, and programs in relation to alcohol and other drug abuse prepared by any such local agencies for funding from any local, state or federal governmental sources.

Sec. 45. Minnesota Statutes 1978, Section 254A.07, Subdivision 2, is amended to read:

Subd. 2. The ~~department of public welfare~~ *county boards* may make grants to ~~community mental health boards~~ for comprehensive programs for prevention, care, and treatment of alcohol and other drug abuse as developed and defined by the state authority. Grants made for programs serving the native American community shall take into account the guidelines established in section 254A.03, subdivision 1, clause (j). Grants may be made for the cost of these comprehensive programs and services whether provided directly by ~~community mental health~~ *county boards* or by other public and private agencies and organizations, both profit and nonprofit, and individuals, pursuant to contract. Nothing herein shall prevent the state authority from entering into contracts with and making grants to other state agencies for the purpose of providing specific services and programs.

Sec. 46. Minnesota Statutes 1978, Section 254A.08, Subdivision 1, is amended to read:

254A.08 [DETOXIFICATION CENTERS.] Subdivision 1. Every ~~community mental health~~ *county board* shall provide a detoxification program for drug dependent persons ~~within its area~~. The board may utilize existing treatment programs and other agencies to meet this responsibility.

Sec. 47. Minnesota Statutes 1978, Section 254A.12, is amended to read:

254A.12 [AFFECTED EMPLOYEES.] ~~Participating area County boards shall may enter into one or more purchase of service agreements to provide services to employers to develop personnel practices for prevention of alcoholism and other chemical dependency, and to assist affected employees in gaining access to care through identification and referral services.~~

Sec. 48. Minnesota Statutes 1978, Section 254A.14, is amended to read:

254A.14 [SERVICES TO YOUTH AND OTHER UNDERSERVED POPULATIONS.] Subdivision 1. [IDENTIFICATION.] ~~Participating area County boards shall may enter into one or more purchase of service agreements to provide services related to the prevention of chemical dependency to persons and groups which have responsibility for, and access to, youth and other underserved populations. The boards shall may also enter into purchase of service agreements to assist youth and other underserved populations in gaining access to care.~~

Subd. 2. [TREATMENT FACILITIES.] If, as a result of programs authorized under subdivision 1, significant numbers of persons are identified for whom treatment and aftercare programs are not available, ~~participating area county boards~~ may request funds from the commissioner to develop treatment and aftercare capabilities.

Sec. 49. Minnesota Statutes 1978, Section 254A.16, Subdivision 2, is amended to read:

Subd. 2. (a) The commissioner shall provide program guide-

lines and technical assistance to the ~~area~~ county boards in carrying out their responsibilities under sections 254A.12 and 254A.14.

(b) The commissioner shall recommend to the governor and to the legislature means of making the programs funded under sections 254A.031, 254A.12, and 254A.14 wholly or partially self-sustaining.

Sec. 50. [APPROPRIATIONS.] *Subdivision 1. [COMMUNITY SOCIAL SERVICE AID FORMULA.] The money to pay the state aids authorized by section 7, subdivision 1, shall be paid from appropriations to the commissioner of public welfare.*

Subd. 2. [PLANNING GRANTS.] There is appropriated from the general fund to the commissioner of public welfare for the biennium ending June 30, 1981, the sum of \$300,000 for the purposes of section 7, subdivision 11.

Subd. 3. [MENTAL HEALTH GRANTS.] The sum of \$2,000,000 for the biennium ending June 30, 1981, is appropriated to the commissioner of public welfare for the purposes of section 13.

Sec. 51. [REPEALER.] *Minnesota Statutes 1978, Sections 245.65; 245.651; 245.691; 254A.07, Subdivision 3; 254A.08, Subdivision 3; and 254A.17 are repealed."*

Further, amend the title as follows:

Page 1, line 2, after "services;" insert "requiring the commissioner of public welfare and each board of county commissioners to develop and update biennially a plan relating to the identification, reduction, remedy, and prevention of public social problems; requiring public participation in state and county plan development;"

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

Mr. Tennessen from the Committee on Commerce, to which was referred the following appointment as reported in the Journal for March 15, 1979:

**DEPARTMENT OF COMMERCE
COMMISSIONER OF INSURANCE**

Michael Markman

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

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

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

H. F. No. 703 for comparison with companion Senate File, reports the following House File was found not identical with its companion Senate File as follows:

GENERAL ORDERS CONSENT CALENDAR CALENDAR

H. F. No.	S. F. No.	H. F. No.	S. F. No.	H. F. No.	S. F. No.
703	776				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 703 be amended as follows:

Page 2, line 10, delete the semicolon

Page 2, line 13, after " "Opinions" insert "on financial statements" are any opinions"

Page 2, lines 14 and 15, delete "on financial statements" are any opinions"

Page 2, line 24, delete "of this act"

Page 5, after line 15, insert:

"Sec. 4. Minnesota Statutes 1978, Section 326.19, Subdivision 2, is amended to read:

Subd. 2. [QUALIFICATIONS.] The license, certified public accountant, shall be granted to any person:

(a) Who has attained the age of 18 years; and

(b) ~~Who is of good moral character; and~~

~~(c)~~ Who holds:

(i) a master's degree with a major in accounting from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or who has in the opinion of the board at least an equivalent education, providing at least one year of experience of the type specified in subdivision 4, has been completed; or

(ii) a baccalaureate degree, with a major in accounting, from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or who has in the opinion of the board at least an equivalent education, providing at least two years experience of the type specified in subdivision 4, has been completed; or

(iii) a baccalaureate degree from a college or university that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or who has in the opinion of the board at least an equivalent education, providing at least three years experience of the type specified in subdivision 4, has been completed; or

(iv) evidence of having completed two or more years of study with passing grade average or above from a college or university

that is fully accredited by the North Central Association of Colleges and Secondary Schools, or an equivalent accrediting association, or whose credits are acceptable to the University of Minnesota for admission to graduate study, or an area vocational-technical school, a Minnesota licensed private vocational school which fulfills the requirements of sections 141.21 to 141.36, or who has in the opinion of the board at least an equivalent education, providing at least five years experience of the type specified in subdivision 4, has been completed; or

(v) a diploma as a graduate of an accredited high school or who has in the opinion of the board at least an equivalent education, providing at least six years experience of the type specified in subdivision 4, has been completed; and

(d) (c) Who has completed successfully an examination in such subjects and at such times, as the board may prescribe in its rules. The examination shall be administered by the board only to a candidate who holds:

(i) a baccalaureate degree with a major in accounting or higher degree, as described in clause (c) (i) or clause (c) (ii) or to persons having at least an equivalent education, or to candidates for such degree providing such candidate is currently registered in his final semester or quarter preceding graduation, or

(ii) a baccalaureate degree, as described in clause (c) (iii), provided at least one year experience of the type specified in subdivision 4, has been completed, or

(iii) evidence of having completed two or more years of study with passing grade average or above from a college, university, area vocational-technical school or a Minnesota licensed private vocational school which fulfills the requirements of sections 141.21 to 141.36, as described in clause (c) (iv), provided at least three years experience of the type specified in subdivision 4, has been completed, or

(iv) a diploma as a graduate of an accredited high school, as described in clause (c) (v), provided at least five years experience of the type specified in subdivision 4, has been completed."

Page 5, line 21, delete "*is of good moral character; and (iv) who*"

Page 9, line 7, delete "*or*" and insert "*of*"

Page 10, lines 13 and 14, delete "*4 of this act*" and insert "*5*"

Page 11, line 10, delete "*of this act*"

Page 13, line 10, delete "*12 of this act*" and insert "*13*"

Page 14, lines 11 and 12, delete "*12 of this act*" and insert "*13*"

Page 14, lines 20, 22, 27, and 29, delete "*12*" and insert "*13*"

Page 15, lines 12 and 13, delete "*12 of this act*" and insert "*13*"

Page 15, line 14, delete "*11*" and insert "*12*"

Page 15, line 16, delete "*such*" and insert "*the*"

Page 15, lines 21 and 22, delete "*12 of this act*" and insert "*13*"

Page 15, line 31, delete "*act*" and insert "*section*"

Page 16, delete lines 3 to 7 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

Sec. 15. [REPEALER.] *Minnesota Statutes 1978, Sections 326.17; 326.18; 326.19; 326.20; 326.21; 326.22; 326.23 are repealed effective July 1, 1982."*

Renumber the sections in sequence

Further, amend the title as follows:

Page 1, line 6, after "326.18;" insert "326.19, Subdivision 2;"

Page 1, line 7, after "sections" insert "; repealing Minnesota Statutes 1978, Sections 326.17 to 326.23"

And when so amended H. F. No. 703 will be identical to S. F. No. 776, and further recommends that H. F. No. 703 be given its second reading and substituted for S. F. No. 776, and that the Senate File be indefinitely postponed.

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

SECOND READING OF SENATE BILLS

S. F. No. 1553 was 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. 703 was read the second time.

H. F. No. 368 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

Without objection, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has discharged its conferees and appointed new conferees to the following House File:

H. F. No. 13: A bill for an act relating to obscenity; prohibiting the showing of obscene motion pictures at drive-in theatres; providing for a hearing in the courts to determine if a motion picture is obscene; prescribing penalties.

The new Conference Committee on the part of the House is as follows: Sherwood, Thiede, Battaglia and Faricy.

The House requests that the Senate discharge its conferees and appoint new conferees.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 18, 1979

Mr. Menning moved that the Senate accede to the request of the House that the Senate conferees on H. F. No. 13 be discharged, and that the Subcommittee on Committees appoint a new Conference Committee on the part of the Senate to act with the 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. 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, Section 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.

Six members of the House have been appointed to a Conference Committee on the part of the House as follows: Sieben, M.; Enebo; Pehler; Knickerbocker; Rose and Halberg.

House File No. 1467 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 19, 1979

Mr. Coleman moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1467, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a Conference Committee appointed on the part of the House. The motion prevailed.

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused at 4:30 o'clock p.m. for a Conference Committee on H. F. No. 455:

Messrs. Merriam, Peterson, Mmes. Brataas, Knaak and Staples. The motion prevailed.

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused at 4:30 o'clock p.m. for a Conference Committee on S. F. No. 1510:

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

Pursuant to Rule 21, Mr. Purfeerst moved that the following members be excused at 4:30 o'clock p.m. for a Conference Committee on H. F. No. 60:

Messrs. Purfeerst, Sikorski and Peterson. The motion prevailed.

Pursuant to Rule 21, Mr. Moe moved that the following members be excused at 4:30 o'clock p.m. for a Conference Committee on H. F. No. 1518:

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

Pursuant to Rule 21, Mr. Hanson moved that the following members be excused at 4:30 o'clock p.m. for a Conference Committee on H. F. No. 686:

Messrs. Hanson, Dunn and Anderson. The motion prevailed.

RECESS

Mr. Coleman moved that the Senate do now recess until 7:00 o'clock p.m. The motion prevailed.

The hour of 7:00 o'clock p.m. having arrived, the President called the Senate to order.

MEMBERS EXCUSED

Mr. Frederick was excused from the Session of today until 4:30 o'clock p.m. Mr. McCutcheon was excused from the Session of today at 4:20 o'clock p.m. Mr. Chmielewski was excused from this evening's Session at 7:00 o'clock p.m. Mr. Lessard was excused from this evening's Session from 7:15 to 7:45 o'clock p.m.

CALL OF THE SENATE

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

Ashbach	Gearty	Luther	Purfeerst	Ueland, A.
Benedict	Gunderson	Menning	Rued	Ulland, J.
Bernhagen	Hughes	Merriam	Schaaf	Vega
Coleman	Kleinbaum	Nelson	Schmitz	Wegener
Davies	Knaak	Nichols	Stokowski	Willet
Dieterich	Knoll	Olhoff	Strand	
Dunn	Knutson	Penny	Stumpf	
Engler	Laufenburger	Pillsbury	Tennessen	

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

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.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Laufenburger moved that S. F. No. 1390, No. 47 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Mr. Humphrey moved that S. F. No. 657, No. 14 on General Orders, be stricken and re-referred to the Committee on Energy and Housing. The motion prevailed.

Mr. Stumpf moved that S. F. No. 846, No. 6 on General Orders, be stricken and re-referred to the Committee on Local Government. The motion prevailed.

Mr. Schmitz moved that S. F. No. 1184, No. 12 on General Orders, be stricken and re-referred to the Committee on Taxes and Tax Laws. The motion prevailed.

Pursuant to Rule 21, Mr. Tennesen moved that the following members be excused at 7:00 o'clock p.m. for a Conference Committee on H. F. No. 738:

Messrs. Tennesen; Keefe, J. and Davies. The motion prevailed.

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused for a Conference Committee on H. F. No. 261:

Messrs. Humphrey, Anderson, Chenoweth, Ogdahl and Knoll. The motion prevailed.

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused at 7:00 o'clock p.m. for a Conference Committee on S. F. No. 1510:

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

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused at 7:00 o'clock p.m. for a Conference Committee on H. F. No. 223:

Messrs. Merriam, Hughes, Anderson, Dieterich and Dunn. The motion prevailed.

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

**REPORTS OF COMMITTEES
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. 1467: Messrs. Coleman, Gearty, Nelson, Chenoweth and Ashbach.

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

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

House Concurrent Resolution No. 5: A House concurrent resolution relating to violence and vandalism in Stearns and Pope Counties along the route of a new powerline.

Reports the same back with the recommendation that the resolution be adopted.

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

Pursuant to Rule 21, Mr. Luther moved that the following members be excused at 8:00 o'clock p.m. for a Conference Committee on S. F. No. 801:

Messrs. Luther, Knutson and Willet. The motion prevailed.

Pursuant to Rule 21, Mr. Hanson moved that the following members be excused at 8:00 o'clock p.m. for a Conference Committee on H. F. No. 257:

Messrs. Hanson, McCutcheon, Stokowski, Davies and Humphrey. The motion prevailed.

Pursuant to Rule 21, Mr. Luther moved that the following members be excused at 8:00 o'clock p.m. for a Conference Committee on S. F. No. 129:

Messrs. Dieterich, Pillsbury, Sikorski, Schaaf and Luther. The motion prevailed.

Pursuant to Rule 21, Mr. McCutcheon moved that the following members be excused at 10:00 o'clock p.m. for a Conference Committee on H. F. No. 1495:

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

Pursuant to Rule 21, Mr. Coleman moved that the following members be excused for a Conference Committee on H. F. No. 1467:

Messrs. Coleman, Gearty, Nelson, Ashbach and Chenoweth. 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

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.

CALL OF THE SENATE

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

Anderson	Kleinbaum	Ogdahl	Renneke	Strand
Benedict	Knaak	Olhoft	Rued	Stumpf
Bernhagen	Knoll	Olson	Schaaf	Ueland, A.
Engler	Knutson	Penny	Schmitz	Vega
Gunderson	Lessard	Peterson	Sieloff	Willet
Johnson	Luther	Pillsbury	Staples	
Keefe, S.	Menning	Purfeerst	Stokowski	

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

Mr. Olhoft moved to amend H. F. No. 990, the unofficial engrossment, as follows:

Page 10, delete Section 11 and insert:

"Sec. 11. The energy agency shall construct and operate 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 1 million gallons per year or less. The plant shall operate for at least two years. This plant shall be instrumented and monitored, and tests shall be conducted on internal combustion engine(s) to provide horsepower, fuel consumption and other related data for the ethanol produced. A final report shall be provided by the Minnesota energy agency. An interim report shall be provided to the legislature in January, 1982. The agency may accept grants for the purposes of this section."

Page 12, line 6, delete "\$10,000" and insert "\$64,000"

Page 12, after line 9 insert:

"(j) Perform subscale and system tests for effective hydrolysis process development \$65,000

(k) Publish pamphlets and reports on the information resulting from the operation of the pilot plant for the production of ethanol \$8,000"

Page 12, delete lines 16 to 30

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Knaak	Penny	Schmitz	Ueland, A.
Benedict	Knoll	Peterson	Setzepfandt	Ulland, J.
Bernhagen	Lessard	Purfeerst	Sieloff	Vega
Engler	Luther	Renneke	Staples	Wegener
Gunderson	Menning	Rued	Strand	
Johnson	Olhoff	Schaaf	Stumpf	

Messrs. Ogdahl and Pillsbury voted in the negative.

The motion prevailed. So the amendment was adopted.

Mr. Anderson moved to amend H. F. No. 990, the unofficial engrossment, as follows:

Page 1, after line 20, insert:

"Section 1. Minnesota Statutes 1978, Section 16.851, is amended to read:

16.851 [STATE BUILDING CODE; APPLICATION AND ENFORCEMENT.] Subdivision 1. *Except as otherwise provided in this subdivision*, the state building code shall apply state-wide and supersede the building code of any municipality. *The code shall not apply to:*

(a) *Single family dwellings constructed by the owner for his own residence and not for resale in the ordinary course of trade, upon resolution adopted by the governing body of a municipality that did not adopt or enforce the state building code prior to July 1, 1977. A municipality's resolution shall be final unless 5% or more of*

the resident voters of the municipality who voted for governor at the last general election petition the governing body of the municipality for a referendum to reverse the resolution of the municipality on the question of application of the state building code. The petition must be submitted within 90 days of the final date of the municipality's resolution. Upon receipt and verification of the petition, a referendum shall be conducted at a general or special election in the municipality, and a majority of those voting must vote for reversal; and The state building code shall not apply to agricultural buildings except with respect to state inspections required or rulemaking authorized by sections 104.05, 326.244 and 116H.12, subdivision 4. Effective July 1, 1977, or as soon thereafter as possible, but in no event later than July 1, 1978, all municipalities shall adopt and enforce the state building code with respect to new construction within their respective jurisdictions. If a city has adopted or is enforcing the state building code on the effective date of Laws 1977, Chapter 381, or determines by ordinance thereafter to undertake enforcement, it shall be charged with enforcement of the code within the city.

(b) Agricultural buildings except with respect to inspections required or rulemaking authorized by sections 104.05 and 326.244.

Subd. 2. The state building code shall be enforced as provided in this subdivision.

(a) If the municipality adopted or enforced the state building code before July 1, 1977, it shall be charged with proper enforcement of the code within the municipality.

(b) A municipality that adopted or enforced all or a portion of the state building code on or after July 1, 1977, may choose by resolution to permit the state to enforce the code within its jurisdiction. A municipality that elects not to have the state enforce the code shall be charged with proper enforcement of the code. The decision on enforcement shall be made by January 1, 1980.

Subd. 3. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction; provided that where two or more non-contiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. Any city may thereafter enforce the code in the designated area to the same extent as if such property were situated within its corporate limits. A city which, on may not enforce the code after the effective date of Laws 1977, Chapter 381, has not adopted the code may not commence enforcement of the code within or this section outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement

must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city will commence on the first day of January in the year following the notice and hearing. Municipalities may provide for the issuance of permits, inspection and enforcement within their jurisdictions by such means as may be convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. In areas outside of the enforcement authority of a city, the fee charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of \$100 or .005 times the value of the structure, addition or alteration. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, it shall be the responsibility of the commissioner to train and designate individuals available to carry out inspection and enforcement on a fee basis.

Subd. 2 4. If the commissioner determines that a municipality is not properly administering and enforcing the state building code as provided in section 16.867, or a municipality has chosen not to enforce the code pursuant to subdivision 2(b), the commissioner may shall cause administration and enforcement in the involved municipality to be undertaken by the state building inspector.

In municipalities not properly administering and enforcing the state building code, the commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the administrative procedure act. In municipalities not properly administering and enforcing the state building code, and municipalities who determine not to administer and enforce the state building code. The commissioner shall cause administration and enforcement in the involved municipality to be undertaken by the state building inspector or other inspector certified by the state. The state building inspector, with the approval of the commissioner, may direct a municipality having a building official to perform services for another municipality or may appoint state employees, or state agencies to perform the duties of building officials. The commissioner shall determine appropriate fees to be charged for the administration and enforcement service rendered. Any cost to the state arising from the state administration and enforcement of the state building code shall be borne by the subject municipality.

If the commissioner enforces the state building code in a municipality that chooses not to enforce the code, pursuant to subdivision 2(b), appropriate fees determined by the commissioner of administration may be charged to the property owners for inspections and other services performed in enforcing the state building code. Fees arising from the duties performed shall be paid into the state treasury and credited to the general fund.

Sec. 2. Minnesota Statutes 1978, Section 16.861, Subdivision 1, is amended to read:

16.861 [BUILDING OFFICIALS.] Subdivision 1. [APPOINTMENTS.] Not later than 90 days prior to July 1, 1972, the governing body of each municipality shall, unless other means are already provided, appoint a person to administer the code who shall be known as building official. The governing body of a municipality that is required to enforce the code or which chooses to enforce the code, shall appoint a building official. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been appointed by the designated date If a municipality that is required to enforce the code fails to appoint a building official as required by this subdivision, the state building inspector, with the approval of the commissioner, may appoint building officials to serve said municipalities that municipality until such time as the municipalities have made the municipality makes an appointment. If the state building inspector is unable to make such appointment he may use such state employees or state agencies as are necessary to perform the duties of the building official. All costs incurred by virtue of an appointment by the state building inspector or services rendered by state employees shall be borne by the involved municipality. Receipts arising therefrom shall be paid into the state treasury and credited to the general fund.

Sec. 3. Minnesota Statutes 1978, Section 16.861, Subdivision 4, is amended to read:

Subd. 4. [DUTIES.] Building officials shall, in the municipality for which they are appointed, attend to all aspects of code administration, including the issuance of all building permits and the inspection of all mobile home installations. The commissioner may direct a municipality having a building official to perform services for another municipality, and in such event the municipality being served shall pay the municipality rendering such services the reasonable costs thereof. Such costs may be subject to approval by the commissioner.

A municipality that chooses to enforce the state building code after July 1, 1977 may by majority vote of its governing body permit the use of ungraded Minnesota lumber in conventional construction of single family residential buildings and accessory buildings within its jurisdiction if the lumber has been inspected by a building official who has successfully completed an approved course in softwood lumber grading.

Sec. 4. Minnesota Statutes 1978, Section 16.861, is amended by adding a subdivision to read:

Subd. 7. [TRAINING.] *The commissioner of administration shall prepare a list of approved courses in softwood lumber grading. In cooperation with the University of Minnesota the commissioner shall develop and administer a course in softwood lumber grading using nationally accepted standards.*

Any municipal building official who has successfully completed an approved course in softwood lumber grading is eligible for full

tuition reimbursement and a per diem of \$35 from the commissioner of administration for each day of attendance at the course, provided that no more than ten municipal building officials from any one county are to be eligible for the reimbursement during any five year period. The course must be taken after November 1, 1978, to be eligible for reimbursement.

Sec. 5. Minnesota Statutes 1978, Section 16.866, Subdivision 1, is amended to read:

16.866 [SURCHARGE.] Subdivision 1. [COMPUTATION.] For the purpose of defraying the costs of administering the provisions of sections 16.83 to 16.867, there is hereby imposed a surcharge on all permits issued by municipalities *enforcing the state building code* in connection with the construction of or addition or alteration to, buildings and equipment or appurtenances, ~~on and after July 1, 1971,~~ as follows:

Where the fee for the permit issued is fixed in amount the surcharge shall be equivalent to $\frac{1}{2}$ mill (.0005) of such fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to $\frac{1}{2}$ mill (.0005) of the valuation of the structure, addition or alteration. Provided however, that where the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000, the surcharge shall be \$1,000, where said valuation is equal to or greater than \$10,000,000 but less than \$20,000,000 the surcharge shall be \$1,500 and where said valuation is equal to or greater than \$20,000,000 the surcharge shall be \$2,000.

By September 1 of each odd numbered year beginning in 1979, the commissioner shall rebate to *those municipalities enforcing the state building code* any money received pursuant to this section and section 16.851 in the previous biennium in excess of the cost to the building code division in that biennium of carrying out their duties under sections 16.83 to 16.867. The rebate to each municipality shall be in proportion to the amount of the surcharges collected by that municipality and remitted to the state.

Sec. 6. Minnesota Statutes 1978, Section 327A.01, Subdivision 2, is amended to read:

Subd. 2. "Building standards" means the *state building code and any additional* structural, mechanical, electrical, and quality standards of the home building industry for the geographic area in which the dwelling is situated.

Sec. 7. [APPROPRIATIONS.] Subdivision 1. *The sum of \$50,000 is appropriated from the general fund to the commissioner of administration for the purposes of section 4 to be available until June 30, 1981.*

Subd. 2. *The sum of \$500,000 is appropriated from the general fund to the commissioner of administration for the purposes of section 1, subdivision 4, for the biennium ending June 30, 1981. The approved complement of the department is increased by 10 unclassified positions.*

Sec. 8. Laws 1978, Chapter 786, Section 22, is repealed.

Sec. 9. A law enacted at the 1979 session and identified as session senate file no. 549, section 2, is repealed.

Sec. 10. Section 7 of this act is effective July 1, 1979. The remainder of this act is effective the day following its final enactment."

Renumber the sections in sequence

Amend the title as follows:

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

Page 1, line 15, after "Sections" insert "16.851; 16.861, Subdivisions 1 and 4, and by adding a subdivision; 16.866, Subdivision 1;"

Page 1, line 16, after "1;" insert "327A.01, Subdivision 2;"

Page 1, line 18, before the period, insert "; repealing Laws 1978, Chapter 786, Section 22; and Senate File 549, Section 2, of the 1979 session."

Mr. Willet requested division of the amendment as follows:

First portion:

Page 1, after line 20, insert:

"Section 1. Minnesota Statutes 1978, Section 16.851, is amended to read:

16.851 [STATE BUILDING CODE; APPLICATION AND ENFORCEMENT.] Subdivision 1. Except as otherwise provided in this subdivision, the state building code shall apply state-wide and supersede the building code of any municipality. The code shall not apply to:

(a) Single family dwellings constructed by the owner for his own residence and not for resale in the ordinary course of trade, upon resolution adopted by the governing body of a municipality that did not adopt or enforce the state building code prior to July 1, 1977. A municipality's resolution shall be final unless 5% or more of the resident voters of the municipality who voted for governor at the last general election petition the governing body of the municipality for a referendum to reverse the resolution of the municipality on the question of application of the state building code. The petition must be submitted within 90 days of the final date of the municipality's resolution. Upon receipt and verification of the petition, a referendum shall be conducted at a general or special election in the municipality, and a majority of those voting must vote for reversal; and ~~The state building code~~

shall not apply to agricultural buildings, except with respect to state inspections required or rulemaking authorized by sections 104.05, 326.244 and 116H.12, subdivision 4. Effective July 1, 1977, or as soon thereafter as possible, but in no event later than July 1, 1978, all municipalities shall adopt and enforce the state building code with respect to new construction within their respective jurisdictions. If a city has adopted or is enforcing the state building code on the effective date of Laws 1977, Chapter 381, or determines by ordinance thereafter to undertake enforcement, it shall be charged with enforcement of the code within the city.

(b) Agricultural buildings except with respect to inspections required or rulemaking authorized by sections 104.05 and 326.244.

Subd. 2. The state building code shall be enforced as provided in this subdivision.

(a) If the municipality adopted or enforced the state building code before July 1, 1977, it shall be charged with proper enforcement of the code within the municipality.

(b) A municipality that adopted or enforced all or a portion of the state building code on or after July 1, 1977, may choose by resolution to permit the state to enforce the code within its jurisdiction. A municipality that elects not to have the state enforce the code shall be charged with proper enforcement of the code. The decision on enforcement shall be made by January 1, 1980.

Subd. 3. A city may by ordinance extend the enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction; provided that where two or more non-contiguous cities which have elected to enforce the code have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. Any city may thereafter enforce the code in the designated area to the same extent as if such property were situated within its corporate limits. A city which, on may not enforce the code after the effective date of Laws 1977, Chapter 381, has not adopted the code may not commence enforcement of the code within or this section outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to enforce the code. A public hearing on the proposed enforcement must be held not less than 30 days after the notice has been provided. Enforcement of the code by the city will commence on the first day of January in the year following the notice and hearing. Municipalities may provide for the issuance of permits, inspection and enforcement within their jurisdictions by such means as may be convenient, and lawful, including by means of contracts with other municipalities pursuant to section 471.59, and with qualified individuals. In areas outside of the enforcement authority of a city, the fee

charged for the issuance of permits and inspections for single family dwellings may not exceed the greater of \$100 or .005 times the value of the structure, addition or alteration. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. In areas of the state where inspection and enforcement is unavailable from qualified employees of municipalities, it shall be the responsibility of the commissioner to train and designate individuals available to carry out inspection and enforcement on a fee basis.

Subd. 4. If the commissioner determines that a municipality is not properly administering and enforcing the state building code as provided in section 16.867, or a municipality has chosen not to enforce the code pursuant to subdivision 2(b), the commissioner may shall cause administration and enforcement in the involved municipality to be undertaken by the state building inspector.

In municipalities not properly administering and enforcing the state building code, the commissioner shall notify the affected municipality in writing immediately upon making the determination, and the municipality may challenge the determination as a contested case before the commissioner pursuant to the administrative procedure act. In municipalities not properly administering and enforcing the state building code, and municipalities who determine not to administer and enforce the state building code. The commissioner shall cause administration and enforcement in the involved municipality to be undertaken by the state building inspector or other inspector certified by the state. The state building inspector, with the approval of the commissioner, may direct a municipality having a building official to perform services for another municipality or may appoint state employees, or state agencies to perform the duties of building officials. The commissioner shall determine appropriate fees to be charged for the administration and enforcement service rendered. Any cost to the state arising from the state administration and enforcement of the state building code shall be borne by the subject municipality.

If the commissioner enforces the state building code in a municipality that chooses not to enforce the code, pursuant to subdivision 2(b), appropriate fees determined by the commissioner of administration may be charged to the property owners for inspections and other services performed in enforcing the state building code. Fees arising from the duties performed shall be paid into the state treasury and credited to the general fund.

Sec. 2. Minnesota Statutes 1978, Section 16.861, Subdivision 1, is amended to read:

16.861 [BUILDING OFFICIALS.] Subdivision 1. [APPOINTMENTS.] Not later than 90 days prior to July 1, 1972, the governing body of each municipality shall, unless other means are already provided, appoint a person to administer the code who shall be known as building official. The governing body of a

municipality that is required to enforce the code or which chooses to enforce the code, shall appoint a building official. Two or more municipalities may combine in the appointment of a single building official for the purpose of administering the provisions of the code within their communities. In those municipalities for which no building officials have been appointed by the designated date If a municipal that is required to enforce the code fails to appoint a building official as required by this subdivision, the state building inspector, with the approval of the commissioner, may appoint building officials to serve said municipalities that municipality until such time as the municipalities have made the municipality makes an appointment. If the state building inspector is unable to make such appointment he may use such state employees or state agencies as are necessary to perform the duties of the building official. All costs incurred by virtue of an appointment by the state building inspector or services rendered by state employees shall be borne by the involved municipality. Receipts arising therefrom shall be paid into the state treasury and credited to the general fund.

Sec. 5. Minnesota Statutes 1978, Section 16.866, Subdivision 1, is amended to read:

16.866 [SURCHARGE.] Subdivision 1. [COMPUTATION.] For the purpose of defraying the costs of administering the provisions of sections 16.83 to 16.867, there is hereby imposed a surcharge on all permits issued by municipalities *enforcing the state building code* in connection with the construction of or addition or alteration to, buildings and equipment or appurtenances, ~~on and~~ after July 1, 1971, as follows:

Where the fee for the permit issued is fixed in amount the surcharge shall be equivalent to $\frac{1}{2}$ mill (.0005) of such fee or 50 cents, whichever amount is greater. For all other permits, the surcharge shall be equivalent to $\frac{1}{2}$ mill (.0005) of the valuation of the structure, addition or alteration. Provided however, that where the valuation of the structure, addition, or alteration is equal to or greater than \$1,000,000 but less than \$10,000,000 the surcharge shall be \$1,000, where said valuation is equal to or greater than \$10,000,000 but less than \$20,000,000 the surcharge shall be \$1,500 and where said valuation is equal to or greater than \$20,000,00 the surcharge shall be \$2,000.

By September 1 of each odd numbered year beginning in 1979, the commissioner shall rebate to *those municipalities enforcing the state building code* any money received pursuant to this section and section 16.851 in the previous biennium in excess of the cost to the building code division in that biennium of carrying out their duties under sections 16.83 to 16.867. The rebate to each municipality shall be in proportion to the amount of the surcharges collected by that municipality and remitted to the state.

Sec. 6. Minnesota Statutes 1978, Section 327A.01, Subdivision 2, is amended to read:

Subd. 2. "Building standards" means the *state building code and any additional structural, mechanical, electrical, and quality standards of the home building industry for the geographic area in which the dwelling is situated.*

Subd. 2. The sum of \$500,000 is appropriated from the general fund to the commissioner of administration for the purposes of section 1, subdivision 4, for the biennium ending June 30, 1981. The approved complement of the department is increased by 10 unclassified positions.

Sec. 8. Laws 1978, Chapter 786, Section 22, is repealed.

Sec. 9. A law enacted at the 1979 session and identified as session senate file no. 549, section 2, is repealed.

Sec. 10. Section 7 of this act is effective July 1, 1979. The remainder of this act is effective the day following its final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "relating to the state building code; restricting statewide application of certain provisions; requiring builders to construct homes in compliance with the building code;"

Page 1, line 15, after "Sections" insert "16.851; 16.861, Subdivision 1; 16.866, Subdivision 1;"

Page 1, line 16, after "1;" insert "327A.01, Subdivision 2;"

Page 1, line 18, before the period, insert "; repealing Laws 1978, Chapter 786, Section 22; and Senate File 549, Section 2, of the 1979 session."

Second portion:

Page 1, after line 20, insert:

"Section 1. Minnesota Statutes 1978, Section 16.861, Subdivision 4, is amended to read:

Subd. 4. [DUTIES.] Building officials shall, in the municipality for which they are appointed, attend to all aspects of code administration, including the issuance of all building permits and the inspection of all mobile home installations. The commissioner may direct a municipality having a building official to perform services for another municipality, and in such event the municipality being served shall pay the municipality rendering such services the reasonable costs thereof. Such costs may be subject to approval by the commissioner.

A municipality that chooses to enforce the state building code after July 1, 1977 may by majority vote of its governing body permit the use of ungraded Minnesota lumber in conventional construction of single family residential buildings and accessory buildings within its jurisdiction if the lumber has been inspected by a

building official who has successfully completed an approved course in softwood lumber grading.

Sec. 2. Minnesota Statutes 1978, Section 16.861, is amended by adding a subdivision to read:

Subd. 7. [TRAINING.] The commissioner of administration shall prepare a list of approved courses in softwood lumber grading. In cooperation with the University of Minnesota the commissioner shall develop and administer a course in softwood lumber grading using nationally accepted standards.

Any municipal building official who has successfully completed an approved course in softwood lumber grading is eligible for full tuition reimbursement and a per diem of \$35 from the commissioner of administration for each day of attendance at the course, provided that no more than ten municipal building officials from any one county are to be eligible for the reimbursement during any five year period. The course must be taken after November 1, 1978, to be eligible for reimbursement.

Sec. 3. [APPROPRIATIONS.] Subdivision 1. The sum of \$50,000 is appropriated from the general fund to the commissioner of administration for the purposes of section 4 to be available until June 30, 1981."

Renumber the sections in sequence

Amend the title as follows:

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

Page 1, line 15, after "Sections" insert "16.861, Subdivision 4, and by adding a subdivision;"

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

The roll was called, and there were yeas 19 and nays 33, as follows:

Those who voted in the affirmative were:

Anderson	Dieterich	Knoll	Ogdahl	Spear
Benedict	Gearty	Luther	Pillsbury	Stumpf
Chenoweth	Hughes	McCutcheon	Sillers	Ulland, J.
Coleman	Keefe, S.	Merriam	Solon	

Those who voted in the negative were:

Ashbach	Jensen	Menning	Peterson	Strand
Bernhagen	Johnson	Moe	Purfeerst	Ueland, A.
Brataas	Kirchner	Nelson	Renneke	Vega
Engler	Knaak	Nichols	Rued	Wegener
Frederick	Knutson	Olhoft	Schaaf	Willet
Gunderson	Laufenburger	Olson	Schmitz	
Hanson	Lessard	Penny	Setzepfandt	

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

The question was taken on the second portion of the amendment. The motion prevailed. So the second portion of the amendment was adopted.

H. F. No. 990 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 47 and nays 4, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Merriam	Schaaf	Strand
Bang	Johnson	Moe	Schmitz	Stumpf
Benedict	Keefe, S.	Nichols	Setzepfandt	Ueland, A.
Bernhagen	Kirchner	Ogdahl	Sieloff	Ulland, J.
Brataas	Kleinbaum	Olhoft	Sikorski	Vega
Chenoweth	Knaak	Perpich	Sillers	Wegener
Dieterich	Knoll	Peterson	Solon	Willet
Engler	Laufenburger	Pillsbury	Spear	
Frederick	McCutcheon	Purfeerst	Staples	
Hanson	Menning	Renneke	Stokowski	

Messrs. Gunderson, Lessard, Penny, and Rued voted in the negative.

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

Without objection, the Senate reverted to the Order of Business of Messages From the House.

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. 130.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 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. 27: A bill for an act relating to financial institutions; defining reverse mortgage loans; authorizing investments in reverse mortgage loans by certain financial institutions and insurance companies; providing tax deductions for accrued interest on reverse mortgage loans; allowing lenders to include accrued earned interest on such loans in their yearly earned income under certain circumstances; amending Minnesota Statutes 1978, Section 290.09, Subdivision 3; and Chapters 47, by adding a section; and 290, by adding a section.

Senate File No. 27 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. Kirchner moved that the Senate concur in the amendments by the House to S. F. No. 27 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 27: A bill for an act relating to financial institutions; defining reverse mortgage loans; authorizing investments in reverse mortgage loans by certain financial institutions and insurance companies; providing for disregard of reverse mortgage loan process in determining eligibility or amount of public assistance; providing tax deductions for accrued interest on reverse mortgage loans; allowing lenders to include accrued earned interest on such loans in their yearly earned income under certain circumstances; amending Minnesota Statutes 1978, Chapter 256, by adding a section; Section 290.09, Subdivision 3; and Chapters 47, by adding a section; and 290, by adding a section.

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

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

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	McCutcheon	Peterson	Solon
Bang	Johnson	Menning	Pillsbury	Staples
Benedict	Kirchner	Merriam	Purfeerst	Strand
Bernhagen	Kleinbaum	Moe	Renneke	Stumpf
Brataas	Knaak	Nichols	Rued	Ueland, A.
Chenoweth	Knoll	Ogdahl	Schaaf	Ulland, J.
Engler	Knutson	Olhoff	Schmitz	Wegener
Frederick	Laufenburger	Olson	Setzepfandt	Willet
Gunderson	Lessard	Penny	Sieloff	
Hanson	Luther	Perpich	Sikorski	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 303: A bill for an act relating to littering; imposing civil liability on the owner of a vehicle from which certain articles and materials are thrown, deposited, or dumped; prescribing procedures, civil damages, and penalties; amending Minnesota Statutes 1978, Chapter 169, by adding a section.

Senate File No. 303 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. Wegener moved that the Senate concur in the amendments by the House to S. F. No. 303 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 303 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 40 and nays 3, as follows:

Those who voted in the affirmative were:

Bang	Johnson	Moe	Pillsbury	Sikorski
Benedict	Kirchner	Nichols	Purfeerst	Sillers
Bernhagen	Knaak	Ogdahl	Renneke	Solon
Engler	Knutson	Olhoft	Rued	Staples
Frederick	Laufenburger	Olson	Schaaf	Strand
Gunderson	Lessard	Penny	Schmitz	Ueland, A.
Hanson	Luther	Perpich	Setzepfandt	Ulland, J.
Hughes	Menning	Peterson	Sieloff	Vega

Messrs. McCutcheon, Merriam and Stumpf voted in the negative.

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 432: A bill for an act relating to general assistance; eliminating the notarizing requirement for general assistance applications; amending Minnesota Statutes 1978, Section 256D.07.

Senate File No. 432 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. Olhoft moved that the Senate concur in the amendments by the House to S. F. No. 432 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 432: A bill for an act relating to general assistance and general assistance medical care; eliminating the notarizing requirement for general assistance and general assistance medical care applications; amending Minnesota Statutes 1978, Section 256D.07.

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

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

The roll was called, and there were yeas 45 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Johnson	Merriam	Pillsbury	Sillers
Benedict	Kirchner	Moe	Purfeerst	Solon
Bernhagen	Knaak	Nichols	Renneke	Staples
Brataas	Knutson	Ogdahl	Rued	Strand
Engler	Laufenburger	Olhoft	Schaaf	Stumpf
Frederick	Lessard	Olson	Schmitz	Ueland, A.
Gunderson	Luther	Penny	Setzepfandt	Ulland, J.
Hanson	McCutcheon	Perpich	Sieloff	Vega
Hughes	Menning	Peterson	Sikorski	Wegener

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 498: A bill for an act relating to motor vehicles; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

Senate File No. 498 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. Setzepfandt moved that the Senate concur in the amendments by the House to S. F. No. 498 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 498: A bill for an act relating to motor vehicles and motor vehicle carriers; authorizing the identification of certain tax exempt vehicles by use of removable plates or placards; authorizing temporary procedures for transfer of a motor vehicle carrier permit where the health of the transferor impairs his ability to operate under the permit; amending Minnesota Statutes 1978, Section 168.012, Subdivision 1.

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

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

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Hughes	Moe	Purfeerst	Solon
Benedict	Johnson	Nichols	Renneke	Staples
Bernhagen	Knaak	Ogdahl	Rued	Strand
Brataas	Laufenburger	Olhoft	Schaaf	Stumpf
Dieterich	Lessard	Olson	Schmitz	Ueland, A.
Engler	Luther	Penny	Setzepfandt	Ulland, J.
Frederick	McCutcheon	Perpich	Sieloff	Vega
Gunderson	Menning	Peterson	Sikorski	Wegener
Hanson	Merriam	Pillsbury	Sillers	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 926: A bill for an act relating to the city of Saint Paul; authorizing the port authority to make certain investments.

Senate File No. 926 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. McCutcheon moved that the Senate concur in the amendments by the House to S. F. No. 926 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 926: A bill for an act relating to certain political subdivisions; authorizing certain investments; providing a method of purchasing certain equipment.

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

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

The roll was called, and there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Gunderson	Knoll	Merriam	Peterson
Benedict	Hanson	Knutson	Moe	Pillsbury
Bernhagen	Hughes	Laufenburger	Nichols	Purfeerst
Brataas	Johnson	Lessard	Ogdahl	Renneke
Dieterich	Kirchner	Luther	Olhoft	Rued
Engler	Kleinbaum	McCutcheon	Olson	Schaaf
Frederick	Knaak	Menning	Penny	Schmitz

Setzepfandt
Sieloff
Sikoraki

Sillers
Solon

Staples
Strand

Stumpf
Ulland, J.

Vega
Wegener

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 1002: A bill for an act relating to the city of Duluth; defining construction powers of the Spirit Mountain Area Authority; amending Laws 1973, Chapter 327, Section 5, Subdivision 3.

Senate File No. 1002 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. Solon moved that the Senate concur in the amendments by the House to S. F. No. 1002 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1002 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Bang	Johnson	Merriam	Purfeerst	Staples
Benedict	Kirchner	Moe	Renneke	Strand
Bernhagen	Kleinbaum	Nichols	Rued	Stumpf
Brataas	Knaak	Ogdahl	Schaaf	Ueland, A.
Dieterich	Knoll	Olhoff	Schmitz	Ulland, J.
Engler	Knutson	Olson	Setzepfandt	Vega
Frederick	Laufenburger	Penny	Sieloff	Wegener
Gunderson	Lessard	Perpich	Sikoraki	
Hanson	Luther	Peterson	Sillers	
Hughes	Menning	Pillsbury	Solon	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

amendments the concurrence of the Senate is respectfully requested:

S. F. No. 1026: A bill for an act relating to welfare; excluding certain payments made to members of Indian tribes from resources considered in determining eligibility for general assistance; amending Minnesota Statutes 1978, Section 256D.08, Subdivision 1.

Senate File No. 1026 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. Perpich moved that the Senate concur in the amendments by the House to S. F. No. 1026 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1026: A bill for an act relating to welfare; excluding educational grants and loans from income when determining the amount of assistance granted under aid to families with dependent children; excluding certain payments made to members of Indian tribes from resources considered in determining eligibility for general assistance; amending Minnesota Statutes 1978, Sections 256.-74, Subdivision 1 and 256D.08, Subdivision 1.

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

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

The roll was called, and there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Johnson	Nichols	Rued	Strand
Benedict	Kleinbaum	Ogdahl	Schaaf	Stumpf
Bernhagen	Knaak	Olhoft	Schmitz	Ueland, A.
Brataas	Knutson	Olson	Setzepfandt	Ulland, J.
Dieterich	Laufenburger	Penny	Sieloff	Vega
Engler	Lessard	Perpich	Sikorski	Wegener
Frederick	Luther	Peterson	Sillers	
Gunderson	Menning	Pillsbury	Solon	
Hanson	Merriam	Purfeerst	Spear	
Hughes	Moe	Renneke	Staples	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 1191: A bill for an act relating to insurance; providing for changes in the operation and funding of the comprehensive health association; requiring identification of certain insurers; setting premium standards; changing the effective dates of certain mandated benefits; amending Minnesota Statutes 1978, Sections 62E.02, Subdivision 10, and by adding a subdivision; 62E.04, Subdivision 4; 62E.06, Subdivision 1; 62E.08; 62E.10; 62E.11; 62E.13, Subdivision 2; 62E.14, Subdivision 1; and Chapter 62E, by adding a section; repealing Minnesota Statutes 1978, Section 62E.10, Subdivision 5.

Senate File No. 1191 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. Sikorski moved that the Senate concur in the amendments by the House to S. F. No. 1191 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1191 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Johnson	Merriam	Purfeerst	Spear
Benedict	Kirchner	Moe	Renneke	Staples
Bernhagen	Kleinbaum	Nichols	Rued	Strand
Brataas	Knaak	Ogdahl	Schaaf	Stumpf
Dieterich	Knoll	Olhoff	Schmitz	Ueland, A.
Engler	Knutson	Olson	Setzepfandt	Ulland, J.
Frederick	Laufenburger	Penny	Sieloff	Vega
Gunderson	Lessard	Perpich	Sikorski	Wegener
Hanson	Luther	Peterson	Sillers	
Hughes	Menning	Pillsbury	Solon	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 248 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 248 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted May 19, 1979

CONFERENCE COMMITTEE REPORT ON H. F. NO. 248

A bill for an act relating to banks and banking; authorizing state banks to lease personal property under certain conditions; amending Minnesota Statutes 1978, Section 48.152.

May 17, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 248, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 248 be further amended as follows:

Page 4, after line 3 insert:

"Sec. 2. Minnesota Statutes 1978, Chapter 50, is amended by adding a section to read:

[50.1465] [SERVICE CORPORATIONS.] *Subdivision 1. In addition to other investments authorized by law, a mutual savings bank may invest in the following:*

The capital stock, obligations, or other securities of any corporation organized under the laws of this state if all or a majority of the capital stock of the corporation is owned by the mutual savings bank, and if substantially all of the activity of the corporation consists of originating, making, purchasing, selling and servicing loans, and participation in loans, secured by real estate including brokerage and warehousing of the real estate loans.

Subd. 2. No mutual savings bank may make any investment under subdivision 1 if its aggregate outstanding investment under this section exceeds three percent of the assets of the mutual savings bank."

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 4, after "conditions;" insert "authorizing service corporations for mutual savings banks;"

Page 1, line 5, before the period, insert "; and Chapter 50, by adding a section"

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

House Conferees (Signed) Al W. Wieser, Steve A. Sviggum,
Bernard J. Brinkman, Stephen G. Wenzel.
Senate Conferees (Signed) Gerry Sikorski, Timothy J. Penny,
Otto T. Bang.

Mr. Sikorski moved that the foregoing recommendations and Conference Committee Report on H. F. No. 248 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 248: A bill for an act relating to banks and banking; authorizing state banks to lease personal property under certain conditions; authorizing service corporations for mutual savings banks; amending Minnesota Statutes 1978, Section 48.152.

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:

Bang	Jensen	Menning	Pillsbury	Spear
Benedict	Johnson	Merriam	Purfeerst	Staples
Bernhagen	Kirchner	Moe	Renneke	Stokowski
Brataas	Kleinbaum	Nichols	Rued	Strand
Dieterich	Knaak	Ogdahl	Schaaf	Stumpf
Engler	Knoll	Olhoff	Schmitz	Ueland, A.
Frederick	Knutson	Olson	Setzepfandt	Ulland, J.
Gunderson	Laufenburger	Penny	Sieloff	Vega
Hanson	Lessard	Perpich	Sikorski	Wegener
Hughes	Luther	Peterson	Sillers	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 260 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 260 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 1979

CONFERENCE COMMITTEE REPORT ON H. F. NO. 260

A bill for an act relating to health; providing for health planning; requiring certificates of need for construction or modification of certain health care facilities and services; repealing Minnesota Statutes 1978, Sections 145.71 to 145.831.

May 18, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 260, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 260 be further amended as follows:

Page 1, line 14, delete "13" and insert "14"

Page 1, line 22, delete "13" and insert "14"

Page 2, line 5, delete "13" and insert "14"

Page 2, line 8, delete "13" and insert "14"

Page 2, line 25, after "diagnostic" insert ", treatment"

Page 4, line 1, delete "13" and insert "14"

Page 4, line 17, delete "13" and insert "14"

Page 4, line 19, delete "13" and insert "14"

Page 4, line 22, after "300k" insert ", et seq."

Page 4, line 26, delete "13" and insert "14"

Page 5, line 23, delete ";" and insert ","

Page 5, delete line 24 and insert "estate, a partnership, a corporation (including"

Page 5, delete lines 26 and 27 and insert "companies), a state or political subdivision or instrumentality (including a municipal corporation) of the"

Page 6, line 1, delete "13" and insert "14"

Page 6, line 3, after "and" insert "Resource"

Page 6, line 4, after "300k" insert ", et seq."

Page 6, line 7, delete "13" and insert "14"

Page 6, line 11, delete "13" and insert "14"

Page 7, line 5, delete "13" and insert "14"

Page 8, line 1, delete "13" and insert "14"

Page 8, line 7, delete "13" and insert "14"

Page 8, line 11, delete "13" and insert "14"

Page 8, line 31, delete "13" and insert "14"

Page 11, line 25, delete "13" and insert "14"

Page 13, delete lines 9 to 17 and insert

"(l) The special needs of hospitals to convert excess hospital beds to long-term care or other alternate functions, but only if the hospitals terminate all acute care services; and

(m) The special requirements of health maintenance organizations to meet the health care needs of their present and future subscribers."

Page 14, line 13, delete "13" and insert "14"

Page 15, line 11, delete "1" and insert "2"

Page 17, line 21, delete "13" and insert "14"

Page 17, after line 23, insert

"Sec. 9. [145.84] [PERIODIC REPORTS.] The commissioner of health shall, by rule, require health care facilities, upon completion of a construction or modification for which a certificate of need was issued, to furnish financial information which compares actual costs of the construction or modification with those estimated costs used in the application for a certificate."

Page 17, line 30, delete "13" and insert "14"

Page 18, line 19, delete "[144.844]" and insert "[145.844]"

Page 18, line 20, delete "11" and insert "12"

Page 18, line 31, after "300k" insert ", et seq."

Page 19, line 11, delete "13" and insert "14"

Page 19, line 14, delete "13" and insert "14"

Page 19, after line 18, insert

"Sec. 15. Minnesota Statutes 1978, Chapter 144, is amended by adding a section to read:

[144.7021] [EXEMPT HOSPITALS.] *Subdivision 1. The commissioner of health shall periodically establish a percentage figure for an acceptable increase in hospital gross acute care charges. Any hospital which files with the commissioner an abbreviated projected operating statement and which represents in this statement that it anticipates a percentage increase in annual gross acute care charges less than the figure established by the commissioner shall be exempt from the review of projected annual revenues and expenses authorized by section 144.701, subdivision 2.*

Subd. 2. As part of the income statement in its annual financial report required by section 144.698, each exempted hospital shall include a separate statement of its total hospital gross acute care charges. If any exempted hospital exceeds the figure established by the commissioner, it shall promptly file a rate review request pursuant to section 144.701 or 144.702.

Subd. 3. The available abbreviated projected operating statements of hospitals which are exempted from rate review under this section shall be used in making determinations of the reasonable-

ness of all hospitals' projected increases in revenues and expenses."

Renumber the sections in sequence

Underscore all new text

Further, amend the title as follows:

Page 1, line 5, after the semicolon insert "amending Minnesota Statutes 1978, Chapter 144, by adding a section;"

We request adoption of this report and repassage of the bill.
House Conferees (Signed) Lyndon R. Carlson, Linda L. Berglin,
O. J. (Lon) Heinitz, John R. (Dick) Kaley.
Senate Conferees (Signed) Emily Anne Staples, John B. Keefe,
Tom Nelson.

Mrs. Staples moved that the foregoing recommendations and Conference Committee Report on H. F. No. 260 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 260: A bill for an act relating to health; providing for health planning; requiring certificates of need for construction or modification of certain health care facilities and services; amending Minnesota Statutes 1978, Chapter 144, by adding a section; repealing Minnesota Statutes 1978, Section 145.71 to 145.831.

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 43 and nays 6, as follows:

Those who voted in the affirmative were:

Bang	Hanson	Luther	Perpich	Spear
Benedict	Hughes	Menning	Peterson	Staples
Brataas	Johnson	Merriam	Pillsbury	Stokowski
Coleman	Kirchner	Moe	Purfeerst	Strand
Davies	Kleinbaum	Nelson	Schaaf	Stumpf
Dieterich	Knaak	Nichols	Schmitz	Ulland, J.
Engler	Knoll	Ogdahl	Setzepfandt	Vega
Gearty	Laufenburger	Olhoff	Sieloff	
Gunderson	Lessard	Penny	Sikorski	

Those who voted in the negative were:

Bernhagen	Olson	Renneke	Rued	Ueland, A.
Jensen				

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 624 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 624 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 1979

CONFERENCE COMMITTEE REPORT ON 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.

May 18, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 624, report that we have agreed upon the items in dispute and recommend as follows:

The Senate recede from its amendment.

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

House Conferees (Signed) Donald L. Friedrich, M. D. Fritz, C. Thomas Osthoff, Richard J. Kostohryz.

Senate Conferees (Signed) Nancy Brataas, Bob Lessard, Peter P. Stumpf.

Mrs. Brataas moved that the foregoing recommendations and Conference Committee Report on H. F. No. 624 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 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.

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:

Bang	Hughes	Menning	Peterson	Solon
Benedict	Jensen	Merriam	Pillsbury	Spear
Bernhagen	Johnson	Moe	Purfeerst	Stokowski
Brataas	Kirchner	Nelson	Renneke	Strand
Davies	Kleinbaum	Nichols	Rued	Stumpf
Dieterich	Knaak	Ogdahl	Schaaf	Ueland, A.
Engler	Knoll	Olhoff	Schmitz	Ulland, J.
Gearty	Knutson	Olson	Setzepfandt	Vega
Gunderson	Laufenburger	Penny	Sieloff	Wegener
Hanson	Luther	Perpich	Sikorski	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 145 and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 145 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 1979

CONFERENCE COMMITTEE REPORT ON H. F. NO. 145

A bill for an act relating to health; changing requirements for school employee tuberculosis examinations; amending Minnesota Statutes 1978, Section 123.69, Subdivision 1.

May 17, 1979

The Honorable Rod Searle
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 145, report that we have agreed upon the items in dispute and recommend as follows:

The Senate recede from its amendment and that H. F. No. 145 be further amended as follows:

Page 2, after line 16, insert:

"Sec. 2. [EXPIRATION DATE.] *Minnesota Statutes 1978, Section 123.69, expires July 1, 1983.*"

Amend the title as follows:

Page 1, after line 3, insert "providing for an expiration date;"

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

House Conferees (Signed) Lyndon R. Carlson, James C. Swanson, O. J. Heinitz, William A. Crandall.

Senate Conferees (Signed) Tom Nelson, William G. Kirchner, Jack Davies.

Mr. Nelson moved that the foregoing recommendations and Conference Committee Report on H. F. No. 145 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H. F. No. 145: A bill for an act relating to health; changing requirements for school employee tuberculosis examinations; providing for an expiration date; amending Minnesota Statutes 1978, Section 123.69, Subdivision 1.

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 47 and nays 0, as follows:

Those who voted in the affirmative were:

Ashbach	Johnson	Moe	Purfeerst	Stokowski
Bang	Keefe, S.	Nelson	Renneke	Strand
Benedict	Kirchner	Nichols	Rued	Stumpf
Bernhagen	Kleinbaum	Ogdahl	Schaaf	Ueland, A.
Brataas	Knutson	Olhoff	Setzepfandt	Ulland, J.
Dieterich	Laufenburger	Olson	Sieloff	Vega
Engler	Lessard	Penny	Sikorski	Wegener
Gearty	Luther	Perpich	Solon	
Gunderson	Menning	Peterson	Spear	
Jensen	Merriam	Pillsbury	Staples	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce that the House refuses to adopt the Conference Committee report, that the House has discharged its conferees and appointed new conferees to the following House File:

H. F. No. 60: A bill for an act relating to natural resources; modifying certain trespass laws; amending Minnesota Statutes 1978, Section 100.273, Subdivision 1.

The new Conference Committee on the part of the House is as follows:

Wieser, Biersdorf, Begich and Battaglia.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 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. 810: A bill for an act relating to motor vehicles; providing for taxing and registering modified vehicles manufactured prior to 1949; regulating storage of modified vehicles and requiring certain equipment providing for use of original plates on certain vehicles; amending Minnesota Statutes 1978, Section 168.10.

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

Fudro, Sarna, Luknic and Mehrkens.

House File No. 810 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 19, 1979

Mr. Olson moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 810, 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.

MOTIONS AND RESOLUTIONS—CONTINUED

S. F. No. 1351 and the Conference Committee Report thereon were reported to the Senate.

CALL OF THE SENATE

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

Anderson	Gearty	Lessard	Peterson	Spear
Ashbach	Gunderson	Menning	Pillsbury	Staples
Bang	Hughes	Merriam	Purfeerst	Stokowski
Benedict	Jensen	Moe	Renneke	Strand
Bernhagen	Johnson	Nelson	Rued	Stumpf
Brataas	Keefe, S.	Ogdahl	Schaaf	Ulland, J.
Coleman	Kirchner	Olhoft	Schmitz	Vega
Dieterich	Kleinbaum	Olson	Setzepfandt	Wegener
Engler	Knutson	Penny	Sieloff	
Frederick	Laufenburger	Perpich	Sikorski	

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

CONFERENCE COMMITTEE REPORT ON 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; Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Section 473.568.

May 19, 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. 1351, 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. 1351 be amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.572] [REVISED FINAL DETERMINATION.] *Subdivision 1. Notwithstanding any final determination reached by the commission on or before December 1, 1978, pursuant to section 473.571, subdivision 6, the commission shall make a revised determination on a sports facility or sports facilities which facility or facilities (1) may be covered, (2) may include use of the existing or a remodeled metropolitan stadium for baseball, and (3) shall be located in Hennepin County. The decision shall be made within 30 days after the effective date of this act. In making its decision the commission may rely on data previously submitted and reviewed pursuant to section 473.571 and need not require new data even if modifications are made in an alternative previously considered. The commission shall give full consideration to the needs of the University of Minnesota when making its revised determination.*

Subd. 2. Except as provided in this section, the council shall make all determinations required by section 473.581, subdivision 3, before it authorizes the issuance of bonds.

Subd. 3. It is the intent of the legislature that the commission shall, to the maximum extent possible consistent with the provisions of section 473.581, subdivision 3, impose rates, rentals and other charges in the operation of the sports facility which will make the sports facility self supporting so that the taxes imposed under section 11 will be at the lowest possible rate consistent with the obligations of the political subdivision levying those taxes as provided in sections 473.551 to 473.595.

Sec. 2. Minnesota Statutes 1978, Section 473.553, Subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] The commission shall consist of six members, appointed by the governor during the period before substantial completion of construction of sports facilities pursuant to sections 473.551 to 473.595 and thereafter as hereinafter provided, plus a chairman appointed as provided in subdivision 3. Initial appointments of members shall be made within 30 days of May 17, 1977. One member shall be appointed from each of the following combinations of metropolitan commission precincts defined in section 473.141, subdivision 2: A and B; C and G; D and E; F and H. Two members shall be appointed from outside the metropolitan area. Upon substantial completion of constructing of the sports facility, vacancies occurring on the commission, whether at the completion of or prior to the completion of a member's term, shall be filled by the city council of the city in which the stadium is located.

Sec. 3. Minnesota Statutes 1978, Section 473.553, Subdivision 4, is amended to read:

Subd. 4. [QUALIFICATIONS.] Each member appointed prior to substantial completion of construction of a sports facility constructed pursuant to sections 473.551 to 473.595 shall be a resident of the precincts or area of the state for which he is appointed and . A member appointed at any time shall not during his term of office hold the office of metropolitan council member or be a member of another metropolitan commission or hold any judicial office or office of state government. Each member shall qualify by taking and subscribing the oath of office prescribed by the Minnesota Constitution, Article 5, Section 6. The oath, duly certified by the official administering it, shall be filed with the chairman of the metropolitan council.

Sec. 4. Minnesota Statutes 1978, Section 473.556, Subdivision 4, is amended to read:

Subd. 4. [EXEMPTION OF PROPERTY.] Any real or personal property acquired, owned, leased, controlled, used, or occupied by the commission for any of the purposes of sections 473.551 to 473.595 is declared to be acquired, owned, leased, controlled, used and occupied for public, governmental, and municipal purposes, and shall be exempt from taxation by the state or any political subdivision of the state, provided that such properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of any such properties in any manner different from their use under sections 473.551 to 473.595 at the time shall be considered in determining the special benefit received by the properties. All assessments shall be subject to final confirmation by the council, whose determination of the benefits shall be conclusive upon the political subdivision levying the assessment. The provisions of this subdivision, insofar as they require exemption or special treatment, shall not apply to any real property at the metropolitan sports area which is leased by the commission for development pursuant to subdivision 6.

Sec. 5. Minnesota Statutes 1978, Section 473.556, Subdivision 6, is amended to read:

Subd. 6. [DISPOSITION OF PROPERTY.] The commission may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 458.196, insofar as practical and consistent with sections 473.551 to 473.595. *Real property at the metropolitan sports area (not including the indoor public assembly facility and adjacent parking facilities) which is no longer needed for sports facilities shall be sold or leased for commercial or industrial development in accordance with the procedures in section 458.196 within two years to a private, for-profit entity, and thereafter the property shall be subject to all applicable taxes and assessments and all government laws, regulations and ordinances bearing on use and development as if the property were privately owned.* The proceeds from the sale of any real property at the metropolitan sports area shall be paid to the council and used for debt service.

Sec. 6. Minnesota Statutes 1978, Section 473.556, Subdivision 7, is amended to read:

Subd. 7. [CONTRACTS.] The commission may contract for materials, supplies, and equipment in accordance with sections 471.-345, except that the commission may employ persons, firms, or corporations to perform one or more or all of the functions of architect, engineer, construction manager, or contractor for both design and construction, with respect to all or any part of a project to build or remodel sports facilities. ~~Such employment~~ *Contractors shall be selected through the process of public bidding, provided that it shall be permissible for the commission to narrow the listing of eligible bidders to those which the commission determines to possess sufficient expertise to perform the intended functions. Any such person, firm, or corporation* construction manager or contractor shall certify, before the contracts are finally signed, a construction price and completion date to the commission and shall post a bond in an amount at least equal to 100 percent of the certified price, to cover any costs which may be incurred over and above the certified price, including but not limited to costs incurred by the commission or loss of revenues resulting from incomplete construction on the completion date. The commission shall secure surety bonds as required in section 574.26, securing payment of just claims in connection with all public work undertaken by it. Persons entitled to the protection of the bonds may enforce them as provided in sections 574.28 to 574.32, and shall not be entitled to a lien on any property of the commission under the provisions of sections 514.01 to 514.16.

Sec. 7. Minnesota Statutes 1978, Section 473.581, Subdivision 2, is amended to read:

Subd. 2. [PROCEDURE.] The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for bonds payable solely from revenues, except as otherwise provided in sections 473.551 to 473.595, and the council shall have the same powers

and duties as a municipality and its governing body in issuing bonds under that chapter. The bonds may be sold at any price and at public or private sale as determined by the council. They shall be payable solely from tax and other revenues referred to in sections 473.551 to 473.595, shall not be a general obligation or debt of the council or of the commission, and shall not be included in the net debt of any city, county, or other subdivision of the state for the purpose of any net debt limitation, *provided that nothing herein shall affect the obligation of any political subdivision to levy a tax pursuant to an agreement made under the provisions of section 11.* No election shall be required. The principal amount shall not be limited except as provided in subdivision 3.

Sec. 8. Minnesota Statutes 1978, Section 473.581, Subdivision 3, as amended by Laws 1979, Chapter 26, Section 1, is amended to read:

Subd. 3. [LIMITATIONS.] The principal amount of the bonds issued pursuant to subdivision 1, clause (a), shall not exceed the amounts hereinafter authorized. If the commission's proposal and the construction contracts referred to in clause (g) of this subdivision provide for the construction of a covered multipurpose sports facility, *the total cost of constructing the facility under the construction contracts, not including costs paid from funds provided by others, and the principal amount of bonds issued pursuant to subdivision 1, clause (a), shall be limited to \$55,000,000.* If the commission's proposal and the construction contracts do not provide for the construction of a cover on a proposed multipurpose sports facility and the commission does not otherwise contract for the construction or acquisition of a cover for the sports facility, the principal amount shall be limited to \$42,000,000. *If the site for the facility is in the county of Anoka, no more than \$3,000,000 of additional bonds may be issued for land acquisition, clearance, relocation and legal costs referred to in clauses (d) and (e) of this subdivision in connection with the construction of a multi-purpose stadium.* If the commission's proposal and the construction contracts provide for the construction of a new sports facility for football and soccer and for remodeling the existing metropolitan stadium for baseball, the principal amount shall be limited to \$37,500,000. If the commission's proposal and the construction contracts provide for the reconstruction and remodeling of the existing metropolitan stadium as an uncovered multipurpose sports facility, the principal amount shall be limited to \$25,000,000. The bonds issued pursuant to subdivision 1, clause (a), shall bear an average annual rate of interest, including discount, not in excess of seven and one-half percent. The proceeds of the bonds issued pursuant to subdivision 1, clause (a), shall be used only for the acquisition and betterment of sports facilities suitable for baseball, football and soccer, with a seating capacity for football and soccer of approximately 65,000 persons. The council shall issue its bonds and construction of sports facilities may commence when the council has made the following determinations:

(a) The commission has executed agreements with major league professional baseball and football organizations to use its sports

facilities for all scheduled regular season home games and play-off home games and, in the case of the football organization, for at least one-half of its exhibition games played each season. The agreements shall be for a period of not more than 30 years nor less than the term of the longest term bonds that in the council's judgment it may find it necessary to issue to finance the acquisition and betterment of the commission's sports facilities. *The agreements may contain provisions negotiated between the organizations and the commission which provide for termination upon conditions related and limited to the bankruptcy, insolvency, or financial capability of the organization.* The agreements shall provide that, in the event of breach of the agreements, the defaulting organization shall pay damages annually to the commission. The annual payment shall be in an amount equal to the annual average of all revenue derived by the commission from attendance at events and activities of the defaulting organization during the years prior to default, provided that the damages shall not exceed in any year an amount sufficient, with other revenues of the commission *but excluding proceeds of the taxes under section 11*, to pay all expenses of operation, maintenance, administration, and debt service for the facilities used by the defaulting organization during the same year. The damages shall be payable during the period from the occurrence of the default to the date on which another major league professional baseball or football organization, replacing the defaulting organization, enters into a use agreement with the commission for not less than the then remaining term of the original agreement. The agreements with the teams shall provide that no closed circuit or pay television broadcasting of events in the sports facility may be allowed without the approval of the commission. The agreements shall include provisions protecting the commission and the council in the event of change in ownership of the professional teams.

(b) The commission has executed agreements with professional baseball and football major leagues which guarantee the continuance of franchises in the metropolitan area for the period of the agreements referred to in clause (a).

(c) The proceeds of bonds provided for in this subdivision will be sufficient, together with other capital funds that may be available to the commission, to construct or remodel and to furnish the sports facilities proposed by the commission, including the appropriate professional fees and charges but excluding, except as otherwise provided in this subdivision, the acquisition, clearance, relocation, and legal costs referred to in clauses (d) and (e).

(d) The commission has acquired, without cost to the commission or the council except as provided in this subdivision, title to all real property including all easements and other appurtenances needed for the construction and operation of any proposed sports facilities or has received a grant of funds or has entered into an agreement or agreements sufficient in the judgment of the council to assure the receipt of funds, at the time and in the amount required, to make any payment upon which the commission's

acquisition of title and possession of the real property is conditioned.

(e) The commission has received a grant of funds or entered into an agreement or agreements sufficient in the judgment of the council to assure the receipt of funds, at the time and in the amount required, to pay all costs, except as provided in this subdivision, of clearing the real property needed for the construction and operation of any proposed sports facilities of all buildings, railroad tracks and other structures, including without limitation all relocation costs, all utility relocation costs, and all legal costs.

(f) The commission has executed agreements with appropriate labor organizations and construction ~~contractor organizations~~ *contractors* which provide that no labor strike or management lockout will halt, delay or impede construction.

(g) The commission has executed ~~contracts~~ *agreements which will provide for the construction of its sports facilities for a certified construction price and completion date and which include performance bonds in an amount at least equal to 100 percent of the certified price to cover any costs which may be incurred over and above the certified price, including but not limited to costs incurred by the commission or loss of revenues resulting from incomplete construction on the completion date.*

(h) The environmental impact statement for the sports facility or facilities has been accepted by the environmental quality board, and the pollution control agency and any other department, agency, or unit of government have taken ~~final action to approve or deny any permits necessary for the actions necessary to permit the construction of the sports facility or facilities.~~

(i) At least 50 percent of the private boxes provided for in the *commission's proposal for the sports facility or facilities* are sold or leased for at least five years.

(j) The anticipated revenue from the operation of the sports facility or facilities plus any additional available revenue of the commission ~~and the revenue from the taxes under section 11 will be an amount sufficient to pay when due all debt service plus all operating and maintenance expenses, unless the proposed facility is a covered multipurpose sports facility, in which case the aforementioned revenues need only be an amount sufficient to pay when due all debt service plus a substantial portion of all administration, operating and maintenance expense.~~

(k) The commission has studied and considered the needs of the university of Minnesota for athletic facilities for a prospective 20 year period.

(l) *The municipality where the facility is to be constructed has entered into an agreement as contemplated in section 11.*

(m) *The commission has entered into an agreement or agreements with a purchaser or purchasers of tickets of admission for a period of not less than 20 years which will assure that, if the professional football organization cannot comply with the provi-*

sions of section 473.568, whenever more than 90 and less than 100 percent of the tickets of admission for seats at any professional football game, which were available for purchase by the general public 120 hours or more before the scheduled beginning time of the game either at the sports facility where the game is to be played or at the box office closest to the sports facility, have been purchased 72 hours or more before the beginning time of the game, then all of such tickets which remain unsold will be purchased in sufficient time to permit the telecast to areas within the state which otherwise would not receive the telecast because of the terms of an agreement in which the professional football league has sold or otherwise transferred all or part of the rights of the league's member organizations in the sponsored telecasting of games of the organizations. The party or parties agreeing to the purchase of such unsold tickets shall be obligated for a period of at least 20 years in an amount determined by the council to be sufficient to assure the purchase of all such unsold tickets. An agreement or agreements satisfying the requirements of this clause shall free the professional football organization from the prohibition otherwise imposed on it by section 473.568.

(n) The council has entered into an agreement with the brokerage firm or brokerage firms to be used in connection with the issuance and sale of the bonds guaranteeing that fees and charges payable to the brokerage firm or firms in connection therewith, including any underwriting discounts, shall not exceed fees and charges customarily payable in connection with the issuance and sale of bonds secured by the pledge of the full faith and credit of the municipality in which any new sports facility is to be located.

The validity of any bonds issued under subdivision 1, clause (a), and the obligations of the council and commission related thereto, shall not be conditioned upon or impaired by the council's determinations made pursuant to this subdivision. For purposes of issuing the bonds the determinations made by the council shall be deemed conclusive, and the council shall be and remain obligated for the security and payment of the bonds irrespective of determinations which may be erroneous, inaccurate, or otherwise mistaken.

Sec. 9. Minnesota Statutes 1978, Section 473.581, Subdivision 4, as amended by Laws 1979, Chapter 26, Section 1, is amended to read:

Subd. 4. [SECURITY.] To the extent and in the manner provided in ~~section sections~~ 11 and 473.595, the taxes described in section 11, the tax and other revenues of the commission described in section 473.595, and any other revenues of the commission shall be and remain pledged and appropriated for the payment of all necessary and reasonable expenses of the operation, administration, maintenance, and debt service of the commission's sports facilities until all bonds referred to in section 473.564, subdivision 2, and all bonds and certificates issued pursuant to this section are fully paid or discharged in accordance with law. The revenue bonds and

interest thereon referred to in section 473.564, subdivision 2, may be refunded, whether at a lower or a higher rate of interest, by the issuance of new bonds pursuant to subdivision 1, clause (b), for the purpose of pledging revenues of the metropolitan sports area for the payment and security of bonds issued hereunder, and the council may provide that a portion of the new bonds shall be payable solely from the interest earnings derived from the investment of the bond proceeds. Until these revenue bonds are fully paid or the council's obligation thereon is discharged in accordance with law they shall be deemed a first and prior charge on those revenues and shall be secured by all provisions of the revenue bond resolution and the ownership and operations agreement. Bonds issued pursuant to this section *and bonds referred to in section 473.564, subdivision 2*, may be secured by a bond resolution, or by a trust indenture entered into by the council with a corporate trustee within or outside the state, which shall define the tax and other revenues pledged for the payment and security of the bonds. The pledge shall be a valid charge on the tax and other revenues referred to in sections 473.551 to 473.595 from the date when bonds are first issued *or secured* under the resolution or indenture and shall secure the payment of principal and interest and redemption premiums when due and the maintenance at all times of a reserve securing such payments. No mortgage of or security interest in any tangible real or personal property shall be granted to the bondholders or the trustee, but they shall have a valid security interest in all tax and other revenues received and accounts receivable by the commission or council hereunder, as against the claims of all other persons in tort, contract, or otherwise, irrespective of whether such parties have notice thereof, and without possession or filing as provided in the uniform commercial code or any other law. In the bond resolution or trust indenture the council may make such covenants, which shall be binding upon the commission, as are determined to be usual and reasonably necessary for the protection of the bondholders. No pledge, mortgage, covenant, or agreement securing revenue bonds may be impaired, revoked, or amended by law or by action of the council or , commission, *or city*, except in accordance with the terms of the resolution or indenture under which the bonds are issued, until the obligations of the council thereunder are fully discharged.

Sec. 10. Minnesota Statutes 1978, Section 473.581, Subdivision 5, as amended by Laws 1979, Chapter 26, Section 1, is amended to read:

Subd. 5. [REVENUE ANTICIPATION CERTIFICATES.] At any time or times after approval by the council and final adoption by the commission of an annual budget of the commission for operation, administration, and maintenance of its sports facilities, and in anticipation of the proceeds from the taxes under section 11 and the revenues of the commission provided for in the budget, but subject to any limitation or prohibition in a bond resolution or indenture, the council may authorize the issuance, negotiation, and sale, in such form and manner and upon such terms as it may determine, of revenue anticipation certificates. The principal amount of the certificates outstanding shall at no time exceed 25

percent of the total amount of the tax and other revenues anticipated. The certificates shall mature not later than three months after the close of the budget year. Prior to the approval and final adoption of the first annual budget of the commission, the council may authorize up to \$300,000 in revenue anticipation certificates under this subdivision. So much of the anticipated tax and other revenues as may be needed for the payment of the certificates and interest thereon shall be paid into a special debt service fund established for the certificates in the council's financial records. If for any reason the anticipated tax and other revenues are insufficient, the certificates and interest shall be paid from the first tax and other revenues received, subject to any limitation or prohibition in a bond resolution or indenture. The proceeds of the certificates may be used for any purpose for which the anticipated revenues of the commission or taxes may be used or for any purpose for which bond proceeds under subdivision 1 may be used, provided that the proceeds of certificates issued after the first issuance of bonds under subdivision 1, clause (a) effective date of this act, shall not be used to pay capital costs of sports facilities constructed or remodeled pursuant to sections 473.551 to 473.595.

Sec. 11. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.592] [TAX REVENUES.] *Subdivision 1. [LOCAL SALES TAX.] Upon designation of a location for a sports facility pursuant to section 1, the municipality in which the facility is to be located may enter into an agreement with the metropolitan council and the commission which requires the municipality to impose a sales tax, supplemental to the general sales tax imposed in chapter 297A, for the purposes and in accordance with the requirements specified in sections 473.551 to 473.595. The tax may be imposed on the gross receipts from all retail on-sales of intoxicating liquor and fermented malt beverages when sold at licensed on-sale liquor establishments and municipal liquor stores located within the municipality, or on the gross receipts from the furnishing for consideration of lodging for a period of less than 30 days at a hotel, motel, rooming house, tourist court, or trailer camp located within the municipality, or on both. The agreement between the municipality, the metropolitan council, and the commission shall require the municipality to impose the tax or taxes at whatever rate or rates may be necessary to produce revenues which are determined by the council from year to year to be required, together with the revenues available to the commission, to pay when due all debt service on bonds and revenue anticipation certificates issued under section 473.581, all debt service on bonds referred to in section 473.564, subdivision 2, and all expenses of operation, administration, and maintenance of the sports facilities. The agreement shall provide for the suspension, reimposition, reduction, or increase in tax collections upon determination by the metropolitan council that such actions are appropriate or necessary for the purposes for which the tax is imposed, provided that the balance in the debt service fund or funds, including any reserve for debt service, shall be maintained at least at an amount sufficient to pay the principal and interest on bonds which will become due within the next succeeding one year period and, except as other-*

wise provided by agreement, shall not be maintained at an amount greater than that required to pay principal and interest on bonds which will become due within the next succeeding two year period. The agreement shall be executed by the city, after approval by resolution of the city council and before the issuance of the bonds under section 473.581 and commencement of construction, and shall constitute a contract with and for the security of all holders of the bonds and revenue anticipation certificates secured by the tax. A sports facility shall not be constructed or remodeled in a municipality which has not entered into an agreement in accordance with this section. The tax shall be reported and paid to the commissioner of revenue with and as part of the state sales and use taxes, and shall be subject to the same penalties, interest, and enforcement provisions. The collections of the tax, less refunds and a proportionate share of the costs of collection, shall be remitted at least quarterly to the metropolitan council. The commissioner of revenue shall deduct from the proceeds remitted to the council an amount that equals the indirect statewide costs as well as the direct and indirect department costs necessary to administer, audit, and collect this tax. The amount deducted shall be deposited in the general fund of the state. The proceeds remitted shall be placed, together with the net revenues of the commission under section 473.595, into debt service fund or reserve or special funds, established under section 473.581, and any funds established to secure payment of operating deficits of the commission. The proceeds may be used for payment of debt service on bonds and revenue anticipation certificates issued under section 473.581, debt service on bonds referred to in section 473.564, subdivision 2, and expenses of operation, administration, and maintenance of the sports facilities. The proceeds shall not be used for any capital costs of sports facilities constructed under sections 473.551 to 473.595, except that the proceeds may be used to pay interest on bonds during the construction period.

Subd. 2. [METROPOLITAN LIQUOR TAX.] All proceeds of the liquor tax collected by the council pursuant to the provisions of Minnesota Statutes 1978, Section 473.591, prior to August 1, 1979, not otherwise expended or applied as provided in chapter 473, together with any earnings derived from the investment of such revenues, may be used for any purpose for which the tax revenues under subdivision 1 may be used.

Sec. 12. Minnesota Statutes 1978, Section 473.595, Subdivision 1, is amended to read:

473.595 [COMMISSION FINANCES.] Subdivision 1. [ADMISSION TAX.] Effective January 1, 1978, the commission shall by resolution impose a three percent admission tax upon the granting, sale, or distribution, by any private or public person, association, or corporation, of the privilege of admission to activities; except for those activities sponsored by nonprofit organizations and conducted at the indoor public assembly facility at the metropolitan sports area known as the metropolitan sports center. Commencing with the operation of sports facilities constructed or remodeled by the commission pursuant to sections

473.551 to 473.595, the commission shall impose an additional seven percent admission tax upon activities conducted at such sports facilities. Effective January 1, 1978, no other tax, except the taxes imposed by chapter 297A, may be levied by any other unit of government upon any such sale or distribution. The admission tax shall be stated and charged separately from the sales price so far as practicable and shall be collected by the grantor, seller, or distributor from the person admitted and shall be a debt from that person to the grantor, seller, or distributor, and the tax required to be collected shall constitute a debt owed by the grantor, seller, or distributor to the commission, which shall be recoverable at law in the same manner as other debts. Every person granting, selling, or distributing tickets for such admissions may be required, as provided in resolutions of the commission, to secure a permit, to file returns, to deposit security for the payment of the tax, and to pay such penalties for nonpayment and interest on late payments, as shall be deemed necessary or expedient to assure the prompt and uniform collection of the tax.

Sec. 13. Minnesota Statutes 1978, Section 473.595, is amended by adding a subdivision to read:

Subd. 7. [SALE OF SEATS.] The commission may sell seats in any multipurpose sports facility constructed after June 30, 1979 at prices and subject to conditions consistent with this section. Ownership of a seat shall give the owner first preference for purchase of a season ticket of admission for professional sports exhibitions with a right to be seated in the owned seat. An owner may sell or otherwise transfer his rights on whatever terms he chooses. Rights to a seat may not be divided. No fee may be charged for a transfer of ownership of a seat. The commission may charge a maintenance fee not exceeding \$10 per year for each seat.

Sec. 14. [HIGHWAY USER TAX DISTRIBUTION FUND.] *So long as the tax imposed pursuant to article XIV, section 10, of the Minnesota Constitution is at or below the rate fixed by law on January 1, 1979, no money derived from the highway user tax distribution fund shall be used to construct, relocate, or improve any streets, highways, or other public thoroughfares, except ones included in the municipal state aid street system established pursuant to article XIV, section 4, if such work is done solely in order to provide or improve access to a new sports facility constructed pursuant to sections 473.551 to 473.595. The commissioner of transportation shall determine whether expenditures are in violation of this section.*

Sec. 15. *Pursuant to article VI, section 2 of the Minnesota constitution the supreme court shall have original jurisdiction of any action brought or maintained in which an issue is presented as to the validity of a provision of sections 1 to 14 of this act, and may hear and determine the issue as provided in title V of the rules of civil appellate procedure, after notice given as provided in rule 144.*

Sec. 16. *This act is effective the day following final enactment in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."*

Further, strike the title and insert:

"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; changing certain provisions relating to the powers and duties of the metropolitan council and sports facilities commission; 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; providing expedited court procedures; limiting use of the highway user tax distribution fund; authorizing local taxes; appropriating money; amending Minnesota Statutes 1978, Sections 473.553, Subdivisions 2 and 4; 473.556, Subdivisions 4, 6, and 7; 473.581, Subdivisions 2, 3, as amended, 4, as amended, and 5, as amended; 473.595, Subdivision 1, and by adding a subdivision; and Chapter 473, by adding sections."

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

Senate Conferees (Signed) Steve Keefe, A. O. H. Setzepfandt, Jim Nichols, Tom Nelson, Nancy Brataas.

House Conferees (Signed) Al W. Patton, Joel Jacobs, William Schreiber, Douglas W. Carlson, Jim Evans.

Mr. Keefe, S. moved that the foregoing recommendations and Conference Committee Report on S. F. No. 1351 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. 1351 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 42 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Menning	Peterson	Staples
Bang	Humphrey	Merriam	Pillsbury	Stokowski
Bernhagen	Jensen	Moe	Purfeerst	Strand
Brataas	Johnson	Nelson	Rued	Ueland, A.
Coleman	Keefe, S.	Nichols	Schaaf	Ulland, J.
Dunn	Kirchner	Ogdahl	Schmitz	Wegener
Engler	Kleinbaum	Olson	Setzepfandt	
Frederick	Knoll	Penny	Sillers	
Gearty	Lessard	Perpich	Solon	

Those who voted in the negative were:

Ashbach	Gunderson	Laufenburger	Renneke	Stumpf
Benedict	Hughes	Luther	Sieloff	Vega
Chenoweth	Knaak	McCutcheon	Sikorski	Willet
Dieterich	Knutson	Olhoft	Spear	

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 699 a Special Order to be heard immediately.

H. F. No. 699: A bill for an act relating to labor; increasing the minimum wage; providing for future increases; amending Minnesota Statutes 1978, Sections 177.23, Subdivision 7; and 177.24, Subdivision 1.

Mr. Vega moved that the amendment made to H. F. No. 699 by the Committee on Rules and Administration in the report adopted May 11, 1979, pursuant to Rule 49, be stricken.

CALL OF THE SENATE

Mr. Vega imposed a call of the Senate for the balance of the proceedings on H. F. No. 699. The following Senators answered to their names:

Anderson	Frederick	Lessard	Rued	Ueland, A.
Bang	Gearty	Luther	Schaaf	Ulland, J.
Benedict	Gunderson	Menning	Schmitz	Vega
Bernhagen	Hughes	Merriam	Setzepfandt	Wegener
Brataas	Humphrey	Penny	Sikorski	Willet
Chenoweth	Jensen	Peterson	Spear	
Coleman	Keefe, S.	Pillsbury	Staples	
Dunn	Kirchner	Purfeerst	Strand	
Engler	Knoll	Renneke	Stumpf	

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

H. F. No. 699 was then progressed.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 787 a Special Order to be heard immediately.

SUSPENSION OF RULES

Mrs. Staples moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S. F. No. 787 and that the rules of the Senate be so far suspended as to give S. F. No. 787, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

S. F. No. 787: A bill for an act relating to commerce; creating a small business assistance center within the department of economic development; appropriating money; amending Minnesota Statutes 1978, Sections 161.321, Subdivision 1; 362.42; and Chapter 362, by adding a section.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 45 and nays 2, as follows:

Those who voted in the affirmative were:

Ashbach	Frederick	Laufenburger	Olson	Setzepfandt
Bang	Gearty	Lessard	Penny	Sieloff
Benedict	Gunderson	Luther	Peterson	Sikorski
Bernhagen	Hughes	Menning	Pillsbury	Staples
Brataas	Humphrey	Merriam	Purfeerst	Strand
Chenoweth	Jensen	Moe	Renneke	Ueland, A.
Coleman	Kirchner	Nelson	Rued	Ulland, J.
Dieterich	Knoll	Ogdahl	Schaaf	Wegener
Engler	Knutson	Olhoft	Schmitz	Willet

Messrs. Keefe, S. and Spear voted in the negative.

So the bill passed and its title was agreed to.

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

MESSAGES FROM THE HOUSE

Mr. President:

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

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 1979, Section 105.482, Subdivisions 3 and 5, and 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, Brinkman, Luknic and Sviggum.

House File No. 1241 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 19, 1979

Mr. Willet moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1241, 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. 1198: A bill for an act relating to wild animals; altering or eliminating certain provisions in regard to the taking, possessing, or transporting of game or fish; amending Minnesota Statutes 1978, Sections 98.45, Subdivision 1; 100.27, Subdivision 4; 100.29, Subdivisions 7, 14, and 19; and 101.42, Subdivision 18, and by adding a subdivision.

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

Fjoslien, Aasness, Murphy and McCarron.

House File No. 1198 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 19, 1979

Mr. Peterson moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1198, 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. 1563: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and for other purposes with certain conditions; amending Minnesota Statutes 1978, Sections 161.123; 174.24, Subdivision 3; 360.015, by adding a subdivision; and Laws 1973, Chapter 567, Section 8; repealing Minnesota Statutes 1978, Section 174.28.

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

Osthoff; Voss; Waldorf; Nelsen, B.; Piepho and Johnson, D.

House File No. 1563 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 19, 1979

Mr. Moe moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1563, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a Conference Committee 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. 273: A bill for an act relating to commerce; providing a floating usury rate for contracts for deed on residential property; amending Minnesota Statutes 1978, Section 47.20, Subdivisions 2 and 4, and by adding a subdivision.

Senate File No. 273 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

Mr. Peterson moved that the Senate do not concur in the amendments by the House to S. F. No. 273 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. 486: A bill for an act relating to education; changing the requirements for membership on the state university board and on the state board for community colleges; amending Minnesota Statutes 1978, Sections 136.12, Subdivision 1; and 136.61, Subdivision 1.

Senate File No. 486 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

Mr. Hughes moved that the Senate do not concur in the amendments by the House to S. F. No. 486 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. 481: A bill for an act relating to transportation; appropriating money to the department of transportation for the purpose of providing operating subsidies for Medicine Lake transit service under certain conditions.

Senate File No. 481 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. Humphrey moved that the Senate concur in the amendments by the House to S. F. No. 481 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 481 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson	Frederick	Knutson	Olson	Sikorski
Ashbach	Gearty	Laufenburger	Perpich	Stumpf
Benedict	Gunderson	Lessard	Peterson	Ueland, A.
Bernhagen	Hughes	Menning	Pillsbury	Ulland, J.
Brataas	Humphrey	Merriam	Purfeerst	Vega
Chenoweth	Jensen	Moe	Schaaf	Wegener
Coleman	Keefe, S.	Nelson	Schmitz	Willet
Dieterich	Kirchner	Ogdahl	Setzepfandt	
Engler	Knoll	Olhoff	Sieloff	

Those who voted in the negative were:

Bang	Knaak	Penny	Rued	Strand
Dunn	Luther			

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 435: A bill for an act relating to education; increasing the maximum awards for scholarships and grants-in-aid; changing the eligibility for certain financial assistance; increasing the bonding authority of the higher education coordinating board; requiring that data on certain applicants for student financial assistance be classified as private and providing an exception; increasing the eligibility for a tuition subsidy for a public post-secondary vocational-technical school; prescribing additional qualifications for receipt of certain Indian scholarships; reconstituting the Minne-

sota Indian scholarship committee; appropriating money; amending Minnesota Statutes 1978, Sections 124.48; 136A.121, Subdivisions 4, 5, 7 and 8; 136A.162; 136A.171; and 136A.236, Subdivision 2.

Senate File No. 435 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1979

CONCURRENCE AND REPASSAGE

Mr. Penny moved that the Senate concur in the amendments by the House to S. F. No. 435 and that the bill be placed on its repassage as amended. The motion prevailed.

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

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

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

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

Those who voted in the affirmative were:

Ashbach	Gearty	Laufenburger	Perpich	Strand
Bang	Gunderson	Lessard	Pillsbury	Stumpf
Benedict	Hughes	Luther	Purfeerst	Ueland, A.
Bernhagen	Humphrey	Menning	Renneke	Ulland, J.
Brataas	Jensen	Merriam	Rued	Vega
Chenoweth	Keefe, S.	Moe	Schaaf	Wegener
Coleman	Kirchner	Nelson	Schmitz	Willet
Dieterich	Kleinbaum	Ogdahl	Setzepfandt	
Dunn	Knaak	Olhoff	Sieloff	
Engler	Knoll	Olson	Sikorski	
Frederick	Knutson	Penny	Staples	

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 268, 272, 869, 890 and 746.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 19, 1979

Mr. President:

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

S. F. Nos. 436, 600, 681, 712, 732 and 799.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 19, 1979

FIRST READING OF HOUSE BILLS

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

H. F. No. 268: A bill for an act relating to children; establishing a program in the department of public welfare to allow subsidized adoptions under certain circumstances; appropriating money; amending Minnesota Statutes 1978, Chapter 259, by adding a section; repealing Minnesota Statutes 1978, Section 393.07, Subdivision 1a.

Mrs. Staples moved that H. F. No. 268 be laid on the table. The motion prevailed.

H. F. No. 272: 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.

Mr. Spear moved that H. F. No. 272 be laid on the table. The motion prevailed.

H. F. No. 869: A bill for an act relating to education; providing matching grants for small business institutes at certain state colleges and universities; prescribing certain duties for the higher education coordinating board; appropriating money.

Referred to the Committee on Finance.

H. F. No. 890: A bill for an act relating to transportation; appropriating money for the operation of Amtrak rail passenger service between the Twin Cities and Duluth.

Referred to the Committee on Transportation.

H. F. No. 746: A bill for an act relating to retirement; teachers retirement association; increase in employer contributions; post retirement adjustment; appropriating money; amending Minnesota Statutes 1978, Sections 354.42, Subdivisions 3 and 5; and 354A.12.

Mr. Ogdahl moved that H. F. No. 746 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Willet moved that the committee report on House Concurrent Resolution No. 5 be taken from the table. The motion prevailed.

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

House Concurrent Resolution No. 5: A House concurrent resolution relating to violence and vandalism in Stearns and Pope Counties along the route of a new powerline.

Mr. Willet moved the adoption of the resolution. The motion prevailed. So the resolution was adopted.

Mr. Ogdahl moved that H. F. No. 746 be taken from the table. The motion prevailed.

H. F. No. 746: A bill for an act relating to retirement; teachers retirement association; increase in employer contribution; post retirement adjustment; appropriating money; amending Minnesota Statutes 1978, Sections 354.42, Subdivisions 3 and 5; and 354A.12.

SUSPENSION OF RULES

Mr. Ogdahl moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 746 and that the rules of the Senate be so far suspended as to give H. F. 746 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 746 was read the second time.

Mr. Stokowski moved to amend H. F. No. 746, as follows:

Page 7, delete lines 12 through 33, and insert:

"Sec. 4. Minnesota Statutes 1978, Chapter 355, is amended by adding a section to read:

[355.311] [SECOND SOCIAL SECURITY REFERENDUM.]
Subdivision 1. [PAYMENT OF RETROACTIVE SOCIAL SECURITY EMPLOYEE AND EMPLOYER TAXES.] Effective retroactively with respect to any employment after the date of retroactive coverage by municipal employees who are employed on the date of the agreement or modification of the agreement with the secretary of health, education and welfare, the executive secretary of the Minneapolis municipal employees retirement fund shall cause to be paid out of the fund an amount for each municipal employee retroactively included, equal to the employee and employer taxes which would have been imposed by the Federal Insurance Contribution Act if the service by the employee constituted employment within the meaning of that act. This payment shall be computed from the date of retroactive coverage to the date that deductions are first taken from the wages of each municipal employee pursuant to section 355.309. Amounts paid to meet the required employee contribution shall first be deducted from the accumulated deductions of the municipal employee and then from the remaining assests of the fund.

Subd. 2. [APPROPRIATION.] The amounts required by this section are hereby appropriated from the Minneapolis municipal employees retirement fund and the executive secretary of the fund

is authorized to make any necessary disbursements and transfers. The amounts so required shall be paid to the contribution fund provided for in the enabling act.

Subd. 3. [BALANCE DUE AFTER PAYMENT OF RETROACTIVE SOCIAL SECURITY EMPLOYEE AND EMPLOYER TAXES.] Any municipal employee who elects social security coverage from and after January 1, 1979, and thereby transfers from the basic program of the Minneapolis municipal employees fund to the coordinated program of the Minneapolis municipal employees fund and from whose account retroactive social security employee taxes are paid by the board of the Minneapolis municipal employees fund shall be required to reimburse the fund in an amount equal to the difference between employee contributions at the rate of eight percent of his total salary for the period of retroactive social security coverage and the aggregate of four percent of his total salary for the period of retroactive social security coverage plus the rate of retroactive social security employee taxes paid on the salary of the municipal employee restricted to the earnings limitations imposed by the Federal Insurance Contribution Act covering service as a municipal employee rendered from and after July 1, 1978. In the event that a municipal employee does not reimburse the Minneapolis municipal employees retirement fund within 30 days following notification by the executive secretary of the amount of reimbursement which is due, interest at the rate of six percent per annum compounded annually from the date the amount was first payable following notification until the date payment is made shall accrue. The city or the public corporation which employs a municipal employee electing social security coverage from and after January 1, 1979, for service on which retroactive social security employer taxes are paid from the Minneapolis municipal employees retirement fund shall reimburse the fund in an amount equal to the reimbursement amount payable by the municipal employee. The employer reimbursement may be paid from the proceeds of a tax levy made for this purpose or from any other funds available to the employer.

Sec. 5. Minnesota Statutes 1978, Section 422A.03, Subdivision 1, is amended to read:

422A.03 [MEETINGS; EMPLOYEES; RULES AND REGULATIONS.] Subdivision 1. The retirement board shall meet on the third Tuesday of each calendar month of each year and may adjourn from time to time. Special meetings may be held upon the call of the president. The board shall, by a ~~four-fifths~~ *four-sevenths* vote of all members of the board, appoint an executive secretary, who shall have charge of the performance of the duties required by the provisions of sections 422A.01 to 422A.25, and shall appoint other necessary clerical help. If at the time of his appointment as executive secretary the appointee holds a position subject to the civil service rules and regulations of the city he shall be deemed to be on leave of absence from such civil service position during his tenure as executive secretary, and upon termination of such service shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil

service classified position, seniority shall prevail, and the person most recently certified to such position shall be returned to the permanent civil service classification held by him prior to such certification.

Sec. 6. Minnesota Statutes 1978, Section 422A.03, Subdivision 2, is amended to read:

Subd. 2. The executive secretary may be removed by a ~~four-fifths~~ *four-sevenths* vote of all members of the board at a meeting called for such purpose. Before exercising the power of removal 15 days written notice shall be given to the executive secretary setting forth the cause for removal and stating the time and place where such charges will be heard. The hearing shall be open to the public. Other employees under the supervision of the board and employees appointed hereafter shall be subject to applicable civil service laws and rules of the city. The compensation of the executive secretary and the other employees under the supervision of the board shall be fixed by such board.

Sec. 7. Minnesota Statutes 1978, Section 422A.08, Subdivision 2, is amended to read:

Subd. 2. Prior to August 31 of each year the retirement board shall prepare an itemized statement of its financial requirements from tax revenue for the succeeding fiscal year. A copy of the statement shall be submitted to the board of estimate and taxation and to the city council prior to September 15 of each year. This statement shall include:

(1) An estimate of the administrative expense of the board less:

(a) Such amount as the board may charge against the interest income account of the fund as cost of handling the investment securities of the fund.

(b) The cost of handling the retirement benefits of any city-owned public utility, improvement project, or other municipal activities supported in whole or in part by revenues other than taxes.

(c) The cost of handling the retirement benefits of any public corporation and its employees who have availed themselves of the provisions of sections 422A.01 to 422A.25.

(2) An estimated amount not to exceed $7\frac{1}{4}$ percent of the salaries and wages of all employees covered by the retirement fund less any amounts contributed for current cost of future retirement benefits by any city-owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than taxes, or any public corporation.

(3) The estimated amount to meet the requirements of section 422A.06, subdivision 3, less any amounts contributed for this purpose by any city-owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than taxes, or any public corporation.

(4) The cost of all monthly survivor's benefits provided in section 422A.23 as an obligation of the city and any of its boards, departments, commission or public corporations as therein provided, less any amounts contributed for this purpose by any city-owned public utility, improvement project, other municipal activities supported in whole or in part by revenues other than taxes, or any public corporation.

(5) Such other levies and financing as are required by law.

(6) The total of items 1, 2, and 3 above shall be increased or decreased as the case may be by any deficiency or excess of the amount of tax revenue actually collected within the preceding fiscal year under or over the amount actually determined to meet the financial requirements of the fund for such year. In no event shall the amount requested for levy exceed the total of entry age normal cost, less the amounts contributed by the employees, plus administrative expense, ~~interest on the actuarial deficit at the rate of five percent per annum, plus~~ an amount necessary to ~~reduce amortize on a level annual dollar basis~~ the principal amount of the actuarial deficit ~~in equal installments~~ by the year 2017 ~~using an interest rate of five percent, compounded annually~~, plus interest upon any deficiency from the previous year's levy at the rate of four percent per annum. This limit does not apply to the requirements for survivors benefits provided in section 422A.23 nor to any levy which is administered by the retirement board pursuant to special act.

Sec. 8. Minnesota Statutes 1978, Section 422A.10, Subdivision 1, is amended to read:

422A.10 [SALARY DEDUCTIONS.] Subdivision 1. There shall be deducted and withheld from the basic salary, pay or compensation of each employee in the contributing class, *prior to January 1, 1980 an amount equal to 7¼ percent, after December 31, 1979 but prior to January 1, 1981 an amount equal to 8¼ percent and after December 31, 1980 an amount equal to 9¼ percent* of such salary, pay or compensation, except as hereinafter provided. The retirement board may increase the percentage rate of contribution to the retirement fund of any employee or employees for the purpose of establishing and maintaining on an actuarial basis a plan of insurance, survivors' benefits, or other type of benefit or benefits, the cost of which shall be paid out of such extra percentage so authorized and deducted from the employee's compensation, except as hereinafter provided. Any plan or plans so established and placed in operation may be amended from time to time, or may be abandoned, but if abandoned, any surplus remaining from the operation of a plan shall be the property of the fund, and shall be credited to the reserve for loss in investment account.

Sec. 9. [DETERMINATION OF SERVICE CREDIT.] *Notwithstanding the provisions of section 422A.15, subdivision 1, no employee of the contributing class of the Minneapolis municipal employees retirement fund shall be entitled to receive a year of service credit during the employee's final year of service unless the employee is employed and has received compensation from the*

city of Minneapolis or other applicable employing unit during each of the calendar months making up the year for which the employee would usually be employed. Any employee of the contributing class who is employed and receives compensation in fewer than the usual number of calendar months during the final year of service shall receive credit for that portion of a year that the employee's completed months of employment and receipt of compensation bears to the usual number of months which the employee would usually be employed.

Sec. 10. [POST RETIREMENT ADJUSTMENT; LUMP SUM PAYMENTS.] *Subdivision 1. [ENTITLEMENT.] Any person who, on or before July 1, 1979, has attained the age of 65 years and who is receiving a retirement annuity from, or any person who is receiving a disability benefit or a surviving spouse's annuity or benefit from a retirement fund specified in subdivision 4, clauses (1) to (5) which was computed under the laws in effect prior to June 1, 1973, if the person is receiving an annuity or benefit from the retirement fund specified in subdivision 4, clause (4), or prior to July 1, 1973, if the person is receiving an annuity or benefit from a retirement fund specified in subdivision 4, clause (1), (2), (3) or (5), and any person who, on or before July 1, 1979, has attained the age of 65 and who is receiving a "\$2 bill and annuity" annuity from the retirement fund specified in subdivision 4, clause (6), shall be entitled to receive a post retirement adjustment from the applicable retirement fund in the amount specified in subdivision 3.*

Subd. 2. [LIMIT ON NUMBER OF POST RETIREMENT ADJUSTMENTS PAYABLE.] Each lump sum post retirement adjustment provided for in this section for any person who is entitled to receive more than one post retirement adjustment payment in one year shall be reduced by dividing the amount of each post retirement adjustment payment by the total number of post retirement adjustment payments to which the person is entitled.

Subd. 3. [AMOUNT OF POST RETIREMENT ADJUSTMENT; PAYMENT.] For any person receiving an annuity or benefit on November 30, 1979, or on November 30, 1980, and entitled to receive a post retirement adjustment pursuant to subdivision 1, the post retirement adjustment shall be a lump sum payment in an amount equal to \$15 for each full year of allowable service credited to the person by the respective retirement fund. The post retirement adjustment provided for in this section shall be payable for those persons receiving an annuity or benefit on November 30, 1979, on December 1, 1979, and for those persons receiving an annuity or benefit on November 30, 1980, on December 1, 1980. Nothing in this section shall authorize the payment of a post retirement adjustment to an estate. Notwithstanding Minnesota Statutes, Section 356.18, the post retirement adjustment provided for in this section shall be paid automatically unless the intended recipient files a written notice with the retirement fund requesting that the post retirement adjustment not be paid.

Subd. 4. [COVERED RETIREMENT FUNDS.] *The post retirement adjustment provided for in this section shall apply to the following retirement funds:*

- (1) *Public employees retirement fund;*
- (2) *Public employees police and fire fund;*
- (3) *Teachers retirement fund;*
- (4) *Highway patrolmen's retirement fund;*
- (5) *State employees retirement fund of the Minnesota state retirement system; and*
- (6) *Minneapolis municipal employees retirement fund.*

Subd. 5. [APPROPRIATION.] *There is hereby appropriated on December 1, 1979, the amount of \$11,600,000 for the purpose of funding the post retirement adjustments provided for in this section. The appropriation shall be apportioned to the retirement funds paying the post retirement adjustment as follows:*

<i>public employees retirement fund</i>	<i>\$4,576,185</i>
<i>public employees police and fire fund</i>	<i>202,761</i>
<i>teachers retirement fund</i>	<i>3,169,648</i>
<i>highway patrolmen's retirement fund</i>	<i>129,661</i>
<i>state employees retirement fund</i>	<i>2,893,845</i>
<i>Minneapolis municipal employees retirement fund</i>	<i>627,900"</i>

Page 8, delete lines 1 through 26

Renumber the sections in sequence

Page 8, line 28, delete "This act shall be" and insert "Sections 4, 5, 6, 7, 8 and 9 are effective the day following final enactment. The remainder of this act is"

Amend the title as follows:

Page 1, line 2, delete "teachers" and insert "various"

Page 1, line 3, delete "association" and insert "funds"

Page 1, line 3, delete "increase in" and insert "increasing"

Page 1, line 3, delete "contribution" and insert "contributions to the teachers retirement association and the teacher retirement fund associations in cities of the first class; increasing the employee contribution rate to the Minneapolis municipal employees retirement fund; providing a post retirement adjustment to certain retirees and benefit recipients of various retirement funds"

Page 1, line 4, delete "post retirement adjustment;"

Page 1, line 6, delete the second "and" and after "354A.12" insert "; 422A.03, Subdivisions 1 and 2; 422A.08, Subdivision 2; 422A.10, Subdivision 1; and Chapter 355, by adding a section."

The motion prevailed. So the amendment was adopted.

H. F. No. 746 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Luther	Rued	Tennessen
Bang	Gunderson	Menning	Schaaf	Ueland, A.
Benedict	Hughes	Merriam	Schmitz	Ulland, J.
Bernhagen	Jensen	Moe	Setzepfandt	Vega
Chenoweth	Keefe, J.	Ogdahl	Sieloff	Wegener
Coleman	Kirchner	Olhoft	Sikorski	Willet
Davies	Knaak	Penny	Staples	
Dieterich	Knoll	Pillsbury	Stokowski	
Engler	Laufenburger	Purfeerst	Strand	
Frederick	Lessard	Renneke	Stumpf	

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Ogdahl moved that S. F. No. 816, No. 24 on Special Orders be stricken and laid on the table. The motion prevailed.

Mrs. Staples moved that H. F. No. 268 be taken from the table. The motion prevailed.

H. F. No. 268: A bill for an act relating to children; establishing a program in the department of public welfare to allow subsidized adoptions under certain circumstances, appropriating money; amending Minnesota Statutes 1978, Chapter 259, by adding a section; repealing Minnesota Statutes 1978, Section 393.07, Subdivision 1a.

SUSPENSION OF RULES

Mrs. Staples moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 268 and that the rules of the Senate be so far suspended as to give H. F. No. 268 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 268 was read the second time.

H. F. No. 268 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Bang	Coleman	Engler	Gunderson	Kirchner
Benedict	Davies	Frederick	Hughes	Knaak
Bernhagen	Dieterich	Gearty	Jensen	Knoll

Knutson	Nelson	Pillsbury	Sieloff	Tennessen
Laufenburger	Ogdahl	Purfeerst	Sikorski	Ueland, A.
Lessard	Olhoff	Renneke	Solon	Ulland, J.
Luther	Olson	Rued	Spear	Vega
Menning	Penny	Schaaf	Staples	Wegener
Merriam	Perpich	Schmitz	Strand	Willet
Moe	Peterson	Setzepfandt	Stumpf	

So the bill passed and its title was agreed to.

Mrs. Staples moved that S. F. No. 510, No. 18 on Special Orders, be stricken and laid on the table. The motion prevailed.

Mr. Moe moved that H. F. No. 1605 be taken from the table. The motion prevailed.

H. F. No. 1605: A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state building bonds; appropriating money, and authorizing a special levy.

SUSPENSION OF RULES

Mr. Moe moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1605 and that the rules of the Senate be so far suspended as to give H. F. No. 1605 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 1605 was read the second time.

Mr. Moe moved to amend H. F. No. 1605 as follows:

Delete everything after the enacting clause and insert:

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

SUMMARY

STATE-WIDE	\$ 2,000,000
CAPITOL COMPLEX	1,585,000
NATURAL RESOURCES	587,500
EDUCATION	1,000,000
STATE UNIVERSITIES	6,221,000
COMMUNITY COLLEGES	300,000
UNIVERSITY OF MINNESOTA	43,972,000
CORRECTIONS	10,477,700
PUBLIC WELFARE	783,000
BOND SALE EXPENSES	35,000
TOTAL	\$66,961,200

APPROPRIATIONS

1980

1981

Sec. 2. [STATE-WIDE.]

To the commissioner of administration
for energy conservation.

\$ 2,000,000

This appropriation is only for energy
projects that have an estimated payback
in energy savings in five years or less.

The commissioner of administration shall
present a proposed work program to the
chairmen of the house appropriations
and senate finance committees for review
and comment prior to encumbering
money for energy conservation.

None of this appropriation shall be used
for painting walls.

Sec. 3. [CAPITOL COMPLEX.]

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

1,585,000

(a) Repair Administration building
parking ramp and plaza\$ 462,000

(b) Replace roof on Ceremonial House
and carriage house 93,000

(c) Replace roof on Transportation
building 237,000

(d) Improve Centennial and Trans-
portation building ventilation and air
conditioning 223,000

(e) Remodel Ford building second
floor storage to offices 347,000

(f) Complete Capitol complex exterior
signage 50,000

(g) Repair, and improve capitol roof
system 173,000

Sec. 4. [NATURAL RESOURCES.]

To the commissioner of administration
to replace the water supply intake at the
French River hatchery

587,500

Debt service on this amount shall be paid
from the game and fish fund.

Sec. 5. [EDUCATION.]

To the state board of education from the
vocational-technical building fund for
post-secondary vocational-technical con-
struction in the school district listed in
this section.

	1980	1981
	\$	\$

Independent School District No. 256, Red Wing		1,000,000
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The total cost of the construction shall not exceed \$2,000,000, whether paid from state, local, or federal money.

This appropriation is available April 1, 1980, but only if school district No. 256 has certified in 1979 the levy authorized by a later section of this act.

Sec. 6. [STATE UNIVERSITIES.]

Subdivision 1. To the commissioner of administration for the purposes more specifically described in the following subdivisions of this section		6,221,000
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Subd. 2. Mankato Campus Correct structural defects at Trafton Science Center	725,000	
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Subd. 3. St. Cloud Campus Construct Halenbeck Hall addition	4,746,000	
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Subd. 4. System-wide Rehabilitate roofs	750,000	
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Sec. 7. [COMMUNITY COLLEGES.]

Subdivision 1. To the commissioner of administration to plan facilities at Metropolitan Community College		300,000
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Sec. 8. [UNIVERSITY OF MINNESOTA.]

Subdivision 1. To the regents of the University of Minnesota for the purposes more specifically described in the following subdivisions of this section		43,972,000
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Subd. 2. Minneapolis Campus		21,641,000
(a) Construct civil and mineral engineering building	15,823,000	
(b) Develop women's softball facility.	118,000	
(c) Convert heating plant to coal.	5,700,000	
Subd. 3. St. Paul Campus		15,585,000

(a) Construct veterinary medicine building	13,600,000	
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	1980	1981
	\$	\$
(b) Construct poultry research and teaching facility	1,985,000	
Subd. 4. Duluth Campus		
Construct business and economics building		3,320,000
Subd. 5. Crookston Campus		
Construct physical education building and outdoor recreation complex		3,426,000
Subd. 6. Northwest Experiment Station at Crookston		

The appropriation made by Laws 1978, Chapter 792, Section 11, Subdivision 9, Clause (b) for auditorium remodeling may be used for auditorium planning and working drawings.

Sec. 9. [CORRECTIONS.]

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

10,477,700

(a) Construct new prison

10,200,000

This appropriation shall be added to the appropriation for this purpose made by Laws 1977, Chapter 451, Section 1, Subdivision 1.

This appropriation shall in no way constitute a waiver of any rights or remedies the state may exercise or pursue regarding project errors.

(b) Minnesota State Prison—

Essential renovations

147,800

(c) St. Cloud Reformatory—

Replace power cable to wall towers, and roof repairs

129,900

Sec. 10. [PUBLIC WELFARE.]

To the commissioner of administration to rehabilitate roofs at institutions under the control of the commissioner of public welfare

783,000

Sec. 11. [BOND SALE EXPENSES.]

To the commissioner of finance for bond sale expenses pursuant to Minnesota Statutes, Section 16A.64, Subdivision 4.

35,000

Sec. 12. [BOND SALE; DEBT SERVICE.] Subdivision 1. To provide the money appropriated in this act from the state building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in the amount of \$65,965,000 in the manner and upon the terms prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67 and by the Constitution, Article XI, Sections 4 to 7.

Subd. 2. To provide the money appropriated in this act from the vocational-technical building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in the amount of \$1,000,000 in the manner and upon the terms prescribed in Minnesota Statutes, Section 121.215, and by the Constitution, Article XI, Sections 4 to 7. The proceeds of the bonds, except as provided in Minnesota Statutes, Section 121.215, Subdivision 5, are appropriated to the vocational-technical building fund for expenditure in accordance with this act.

Sec. 13. [CONSULTATION REQUIRED.] No land shall be purchased and no buildings shall be purchased, constructed, or erected on lands of the university until the regents have first consulted with the chairman of the senate finance committee and the chairman of the house appropriations committee and obtained their recommendation which are advisory only.

Sec. 14. [REVIEW OF PLANS.] Neither the commissioner of administration nor the board of regents of the University of Minnesota shall prepare final plans and specifications for any building authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations on the plans. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Sec. 15. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.] Upon the awarding of final contracts for the completion of any project for construction or other permanent improvement authorized by this act, the commissioner as to appropriations made to him and the regents as to appropriations made to them may transfer any unencumbered balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed. The money transferred pursuant to this section is appropriated for the purposes for which transferred. The commissioner of administration and the regents of the University of Minnesota shall report to the chairman of the house appropriations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.

Sec. 16. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.] The commissioner of administration and the board of regents of the University of Minnesota shall apply for the maximum federal share

for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration and the board of regents have consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations on the proposed expenditure. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Sec. 17. [METHODS OF ACQUISITION.] Where money has been appropriated by this act to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be pursuant to chapter 117.

Sec. 18. [RED WING; SPECIAL LEVY.] Independent School District No. 256, Red Wing, may levy in the years 1979, 1980, and 1981 for post-secondary vocational-technical purposes one mill, exclusive of debt service, times the adjusted assessed valuation of the taxable property of the district for the preceding year as determined by the equalization aid review committee. The proceeds of this levy shall be used for the acquisition or betterment of lands or buildings or for capital improvements for post-secondary vocational-technical purposes.

Sec. 19. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of state building bonds; appropriating money."

The motion prevailed. So the amendment was adopted.

Mr. Purfeerst moved to amend H. F. No. 1605, as amended by the Senate May 19, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 1569.)

Page 3, line 13, before "To" insert "Subdivison 1."

Page 3, after line 28, insert:

"Subd. 2. To the commissioner of administration for the purpose of preparing a plan for the demolition or alternative use of obsolete buildings and working drawings for the construction of a building for which construction costs shall not exceed \$4,200,000 for blind and multi-handicapped students on the campus of the Minnesota Braille and Sight Saving School."

The motion prevailed. So the amendment was adopted.

Mr. Davies moved to amend H. F. No. 1605, as amended by the Senate May 19, 1979, as follows:

(The text of the amended House File is identical to S. F. No. 1569.)

Page 5, delete lines 10 to 18

Reletter the clauses in sequence

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

H. F. No. 1605 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 52 and nays 2, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Menning	Purfeerst	Strand
Bang	Hughes	Merriam	Renneke	Stumpf
Benedict	Jensen	Moe	Rued	Tennessen
Bernhagen	Kirchner	Nelson	Schaaf	Ueland, A.
Brataas	Kleinbaum	Nichols	Schmitz	Ulland, J.
Coleman	Knaak	Olhoft	Setzepfandt	Vega
Dieterich	Knoll	Olson	Sieloff	Wegener
Engler	Knutson	Penny	Sillers	Willet
Frederick	Laufenburger	Perpich	Spear	
Gearty	Lessard	Peterson	Staples	
Gunderson	Luther	Pillsbury	Stokowski	

Messrs. Davies and Sikorski voted in the negative.

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

RECESS

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

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Moe moved that S. F. No. 1569, No. 17 on Special Orders, be stricken and laid on the table. The motion prevailed.

Mr. Moe moved that H. F. No. 1606 be taken from the table. The motion prevailed.

H. F. No. 1606: A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; authorizing purchase and sale of public lands and buildings; appropriating money.

SUSPENSION OF RULES

Mr. Moe moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota,

with respect to H. F. No. 1606 and that the rules of the Senate be so far suspended as to give H. F. No. 1606 its second and third reading and place it on its final passage. The motion prevailed.

H. F. No. 1606 was read the second time.

Mr. Moe moved to amend H. F. No. 1606 as follows:

Delete everything after the enacting clause and insert:

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

SUMMARY

STATEWIDE	\$ 200,000
CAPITOL COMPLEX	1,008,000
STATE UNIVERSITIES	50,000
COMMUNITY COLLEGES	273,000
TRANSPORTATION	465,000
UNIVERSITY OF MINNESOTA	200,000
TOTAL	2,196,000

APPROPRIATIONS

	1980	1981
Sec. 2. [STATEWIDE.]		
To the commissioner of administration for an energy conservation survey		\$ 200,000
Sec. 3. [CAPITOL COMPLEX.]		
To the commissioner of administration for the purposes specified in this section		1,008,000
(a) Reroute steam line to Veterans' Service building	\$133,000	
(b) General remodeling of buildings	300,000	
(c) Install additional paving, lighting and landscaping for parking lots Q and V	125,000	
(d) Clean and repoint State Office and Historical Building exteriors	293,000	
(e) Screen and light parking lots, and continue ground improvements	157,000	
Sec. 4. [STATE UNIVERSITIES.]		
To the chancellor of the state university system to modify electrical service at Bemidji State University		50,000

1980	1981
\$	\$

Sec. 5. [COMMUNITY COLLEGES.]

To the chancellor of the community college system to rehabilitate roofs, system-wide

273,000

Sec. 6. [TRANSPORTATION.]

Subdivision 1. To the commissioner of transportation from the trunk highway fund for the purposes more specifically described in the following subdivisions of this section.

465,000

Subd. 2. To construct trunk highway rest area facilities as listed below

(a) Oakland Woods	136,000
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(b) Albert Lea Lake	136,000
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Project costs shown in this subdivision are estimates only

Subd. 3. To remodel a surplus building at the veterans home, Hastings, for use as a truck station

193,000

Sec. 7. [UNIVERSITY OF MINNESOTA.]

To the regents of the University of Minnesota for energy conservation, University-wide

200,000

Sec. 8. [REVIEW OF BUILDING PLANS.] The commissioner of administration and the commissioner of transportation shall not prepare final plans and specifications for any construction or major remodeling authorized by this act until the using agency or department has presented the program and schematic plans to the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendation thereon. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Sec. 9. [APPROPRIATIONS FOR CONSTRUCTION; TRANSFER.] Upon the awarding of final contracts for the completion of any project for construction or other permanent improvement authorized by this act, the commissioner of administration or the commissioner of transportation may transfer any unencumbered balance in the project account to any other project enumerated in the same section of the appropriation act as the project about to be completed. The money transferred pursuant to this section is appropriated for the purposes for which transferred. The commissioner shall report to the chairman of the house appro-

priations committee and the chairman of the senate finance committee on any transfer made pursuant to this section.

Sec. 10. [APPROPRIATIONS FOR CONSTRUCTION; FEDERAL MONEY; EXCEEDING AUTHORIZED COST.] The commissioner of administration and the commissioner of transportation shall apply for the maximum federal share for each capital improvement project for which money is appropriated by this act. Encumbrance or expenditure of money in excess of the project authorization shall be made only after the commissioner of administration or the commissioner of transportation has consulted with the chairman of the house appropriations committee and the chairman of the senate finance committee and the chairmen have made their recommendations on the proposed expenditure. The recommendations are advisory only. Failure or refusal to make a recommendation promptly is deemed a negative recommendation.

Sec. 11. [METHODS OF ACQUISITION.] Where money has been appropriated by this act to the commissioner of administration to acquire lands or sites for public buildings or real estate, acquisition may be by gift, purchase, or condemnation proceedings. Condemnation proceedings shall be pursuant to chapter 117.

Sec. 12. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; authorizing purchase and sale of public lands and buildings; appropriating money."

The motion prevailed. So the amendment was adopted.

H. F. No. 1606 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 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Moe moved that S. F. No. 1570, No. 25 on General Orders, be stricken and laid on the table. The motion prevailed.

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

**REPORTS OF COMMITTEES
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. 810: Messrs. Olson; Keefe, S., and Pillsbury.

H. F. No. 1563: Messrs. Moe, Kleinbaum, Schaaf, Purfeerst, and Bang.

H. F. No. 1198: Messrs. Peterson, Bernhagen, and Lessard.

H. F. No. 1241: Messrs. Willet, Purfeerst, and Dunn.

H. F. No. 13: Messrs. Menning, Sieloff, and Nelson.

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. No. 1553 and H. F. No. 368 makes the following report:

That the above Senate File and House File be placed on the General Orders Calendar in the order indicated.

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

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

Pursuant to Rule 21, Mr. Coleman moved that the following members be excused at 12:25 o'clock a.m. for a Conference Committee on H. F. No. 1467:

Messrs. Coleman, Gearty, Nelson, Ashbach and Chenoweth. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Knoll moved that S. F. No. 84, No. 25 on Special Orders be stricken and laid on the table. The motion prevailed.

CALL OF THE SENATE

Mr. Pillsbury imposed a call of the Senate for the proceedings on H. F. No. 699. The following Senators answered to their names:

Bang	Engler	Jensen	Knaak	Moe
Benedict	Frederick	Keefe, S.	Knutson	Olhoff
Bernhagen	Gunderson	Kirchner	Lessard	Olson
Brataas	Hughes	Kleinbaum	Menning	Penny

Perpich
Peterson
Pillsbury
Purfeerst

Rued
Schaaf
Schmitz

Setzepfandt
Sieloff
Solon

Staples
Tennessen
Ueland, A.

Ulland, J.
Vega
Wegener

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

The question recurred on H. F. No. 699, and the motion of Mr. Vega to strike the rule 49 amendment. The motion prevailed. So the amendment was stricken.

H. F. No. 699: A bill for an act relating to labor; increasing the minimum wage; providing for future increases; amending Minnesota Statutes 1978, Sections 177.23, Subdivision 7; and 177.24, Subdivision 1.

Mr. Pillsbury moved to amend H. F. No. 699 as follows:

Page 3, line 21, delete "\$2.61" and insert "\$2.47"

Page 3, line 22, delete "\$2.79" and insert "\$2.64"

Page 3, line 22, delete "\$3.02" and insert "\$2.85"

Page 3, line 23, after "1982" insert "; provided that an employer may pay to a full-time student employee a rate of not less than the rate for an employee under the age of 18 as provided in this section. The proportion of student hours of employment to the total hours of employment of all employees in an establishment shall not exceed ten percent, provided that no more than six full-time students are employed by an establishment at the lower student rate except as provided by section 3.

Full time student is a person who is regularly attending a high school, college, or university or regularly attending a course of vocational or technical training."

Page 3, after line 23, insert:

"Sec. 3. Minnesota Statutes 1978, Section 177.24 is amended by adding a subdivision to read:

Subd. 1a. An employer may employ full-time students in excess of those permitted by subdivision 1, at the student rate if the commissioner determines that the employment of these students will not create a substantial probability of reducing the full-time employment opportunities of other persons.

Sec. 4. *This act is effective January 1, 1980."*

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "establishing a student differential;"

Page 1, line 5, after "1" insert ", and by adding a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 29, as follows:

Those who voted in the affirmative were:

Ashbach	Jensen	Menning	Rued	Ulland, J.
Bang	Keefe, J.	Ogdahl	Schmitz	Wegener
Bernhagen	Kirchner	Olson	Setzepfandt	
Brataas	Knaak	Penny	Sieloff	
Dunn	Knutson	Peterson	Strand	
Engler	Lessard	Pillsbury	Ueland, A.	

Those who voted in the negative were:

Anderson	Hanson	Luther	Olhoft	Spear
Benedict	Hughes	McCutcheon	Perpich	Staples
Coleman	Johnson	Merriam	Purfeerst	Stokowski
Dieterich	Keefe, S.	Moe	Schaaf	Tennessen
Gearty	Kleinbaum	Nelson	Sikorski	Vega
Gunderson	Knoll	Nichols	Solon	

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

H. F. No. 699 was read the third time, and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 47 and nays 9, as follows:

Those who voted in the affirmative were:

Anderson	Hughes	Luther	Purfeerst	Staples
Ashbach	Johnson	McCutcheon	Rued	Stokowski
Benedict	Keefe, J.	Menning	Schaaf	Strand
Brataas	Keefe, S.	Merriam	Schmitz	Tennessen
Coleman	Kirchner	Moe	Setzepfandt	Ulland, J.
Dieterich	Kleinbaum	Nelson	Sieloff	Vega
Dunn	Knaak	Ogdahl	Sikorski	Wegener
Gearty	Knoll	Olhoft	Sillers	
Gunderson	Laufenburger	Perpich	Solon	
Hanson	Lessard	Peterson	Spear	

Those who voted in the negative were:

Bang	Engler	Knutson	Penny	Ueland, A.
Bernhagen	Jensen	Olson	Pillsbury	

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 724, a Special Order to be heard immediately.

H. F. No. 724: A bill for an act relating to housing; providing for an increase in the authorization for bonds and notes for the housing finance agency; establishing a grant program for the construction of three or more bedroom apartment units; creating a grant program for accessible housing; increasing the spending and complement limits; making certain changes in the laws relating to the operation of the agency; appropriating money; amending Minnesota Statutes 1978, Sections 462A.05, Subdivision 15, and by adding subdivisions; 462A.07, Subdivision 15; 462A.21, Subdivision 6, and by adding subdivisions; and 462A.22, Subdivisions 1 and 1a.

CALL OF THE SENATE

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

Ashbach	Hughes	Menning	Purfeerst	Spear
Behedict	Johnson	Merriam	Renneke	Staples
Bernhagen	Kirchner	Ogdahl	Rued	Tennessen
Coleman	Kleinbaum	Olhoff	Schaaf	Ueland, A.
Dunn	Knaak	Olson	Schmitz	Vega
Engler	Knoll	Penny	Setzepfandt	Wegener
Gearty	Lessard	Perpich	Sieloff	Willet
Hanson	McCutcheon	Pillsbury	Sillers	

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

Mr. Knoll moved to amend H. F. No. 724, the unofficial engrossment, as follows:

Page 4, after line 6, insert:

"Sec. 4. Minnesota Statutes 1978, Section 462A.21, is amended by adding a subdivision to read:

Subd. 11. The agency may make loans to owners of rental property of four units or more that is at least 15 years old and occupied at the time of loan closing by low and moderate income tenants, for the purposes of moderate rehabilitation and energy improvements necessary to bring the property into compliance with section 116H.129, subdivision 3. The authority granted in this subdivision is in addition to and not in limitation of any other authority granted to the agency in this chapter. Loans made pursuant to this subdivision shall only be made with the proceeds of bonds and notes, and shall not include any appropriated money."

Page 6, delete Section 9

Page 7, line 29, delete "\$44,750,000" and insert "\$42,500,000"

Page 8, line 3, delete "\$21,000,000" and insert "\$19,350,000"

Page 8, line 8, delete "\$7,500,000" and insert "\$7,660,000"

Page 8, line 11, delete "\$2,500,000" and insert "\$2,000,000"

Page 8, line 14, delete "\$8,000,000" and insert "\$7,760,000"

Page 8, line 17, delete "\$3,500,000" and insert "\$3,480,000"

Page 9, line 3, delete subdivision 10

Page 9, line 18, delete "11" and insert "10"

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

H. F. No. 724 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Humphrey	Merriam	Renneke	Tennessen
Bang	Keefe, S.	Moe	Rued	Ueland, A.
Benedict	Kirchner	Nelson	Schaaf	Ulland, J.
Bernhagen	Kleinbaum	Ogdahl	Schmitz	Vega
Chenoweth	Knoll	Olhoff	Setzepfandt	Wegener
Davies	Knutson	Olson	Sieloff	Willet
Dieterich	Laufenburger	Penny	Sikorski	
Engler	Lessard	Peterson	Solon	
Gunderson	Luther	Pillsbury	Spear	
Hughes	Menning	Purfeerst	Staples	

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

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

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

CALL OF THE SENATE

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

Anderson	Kleinbaum	Ogdahl	Schaaf	Ueland, A.
Bang	Knoll	Olhoff	Schmitz	Ulland, J.
Benedict	Knutson	Olson	Setzepfandt	Vega
Davies	Laufenburger	Penny	Solon	Wegener
Hughes	Lessard	Perpich	Staples	Willet
Humphrey	Menning	Purfeerst	Strand	
Kirchner	Merriam	Rued	Tennessen	

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 360 a Special Order to be heard immediately.

H. F. No. 360: A bill for an act relating to commerce; extending an exception for certain loans from the usury laws; amending Minnesota Statutes 1978, Section 334.01, Subdivision 2.

Mr. Tennessen moved to amend H. F. No. 360 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1978, Section 47.53, is amended to read:

47.53 [FUNCTIONS OF A FACILITY.] The function functions of the detached facility shall be limited to opening deposit accounts, receiving deposits of every kind, cashing checks or orders to pay, issuing drafts, money orders and travelers checks,

accepting loan applications making loans and receiving payments payable at the bank.

Sec. 2. Minnesota Statutes 1978, Section 48.19, Subdivision 1, is amended to read:

48.19 [LOANS ON REAL ESTATE RESTRICTED.] Subdivision 1. [RESTRICTIONS; EXCEPTION.] No bank or trust company shall make any loan upon the security of real estate unless it is a first lien thereon, except that a bank or trust company may take a junior lien: (a) upon real estate to secure a loan previously contracted; or (b) upon farm real estate to secure a loan made to a farmer who resides in a county which due to weather conditions is a declared federal disaster area at the time the loan contract is signed ; or (c) upon real estate to secure a loan if (1) the total unpaid aggregate of all loans secured by liens against the same real estate does not exceed 80 percent of its appraised value, and (2) the aggregate outstanding indebtedness on all loans made by a bank or trust company which are secured by junior liens otherwise prohibited under this section, does not exceed 15 percent of the total time and savings deposits of the bank or trust company as of its most recent published statement . Before any such loans are made the value of the real estate shall be determined by an appraisal made by a committee appointed by the board of directors, which appraisal shall be made a matter of record; except that the board may accept an appraisal made by or for an agency of the United States government when such agency is guaranteeing or insuring the loan or any part thereof.

A bank may take additional liens on the same security and these shall be considered to be part of the same mortgage lien thereon providing it has been established that there are no intervening liens.

Loans in which the small business administration cooperates through agreements to participate on an immediate or deferred basis under the federal small business act or loans or obligations secured or guaranteed by the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States, shall not be subject to the restrictions or limitations of this section imposed upon loans secured by real estate."

Page 1, after line 22, insert:

"Sec. 4. [REPEALER.] *Minnesota Statutes, Section 48.185, Subdivision 2, as amended by Laws 1979, Chapter 101, is repealed.*

Sec. 5. [EFFECTIVE DATE.] *This act is effective the day following its final enactment."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon insert "authorizing the closing of loans at detached facilities; authorizing banks and trust companies to take junior liens under certain circumstances; "

Page 1, line 4, delete "Section" and insert "Sections 47.53; 48.19, Subdivision 1; "

Page 1, line 5, before the period, insert "; repealing Minnesota Statutes 1978, Section 48.185, Subdivision 2, as amended"

The motion prevailed. So the amendment was adopted.

Mr. Laufenburger moved to amend H. F. No. 360 as follows:

Page 1, after line 22, insert:

"Sec. 2. Minnesota Statutes 1978, Section 334.16, Subdivision 1, is amended to read:

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

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

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

Sec. 3. [COMPUTATION OF AVERAGE DAILY BALANCE.] *The calculation of the average daily balance for the purpose of the limitation on rates imposed by Minnesota Statutes, Section 334.16, Subdivision 1, Clause (b) shall be made by excluding from the daily balances the amount of each sale from the date of sale until the last day of the regular billing cycle during which the sale was made. The portion of any balance arising from the sale of goods which are returned shall be excluded from the unpaid balance as of the date the goods are returned.*

Sec. 4. *This act is effective August 1, 1979, but sections 2 and 3 shall not apply to account balances outstanding on the effective date of this act, and the finance charge on outstanding balances shall not exceed the amounts permitted under laws existing immediately preceding the effective date of this act.*"

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "increasing permissible finance charges for open end credit sales; providing for calculation of finance charges on open end credit sales;"

Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 5, before the period, insert "; and 334.16, Subdivision 1"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 38 and nays 14, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Leasard	Purfeerst	Staples
Bang	Jensen	Menning	Renneke	Strand
Bernhagen	Keefe, J.	Nichols	Rued	Tennesen
Brataas	Kirchner	Ogdahl	Schaaf	Ueland, A.
Davies	Kleinbaum	Olson	Schmitz	Ulland, J.
Dunn	Knoll	Penny	Setzepfandt	Wegener
Engler	Knutson	Peterson	Sieloff	
Frederick	Laufenburger	Pillsbury	Solon	

Those who voted in the negative were:

Benedict	Hughes	Merriam	Sikorski	Vega
Chenoweth	Keefe, S.	Olhoft	Spear	Willet
Dieterich	Luther	Perpich	Stumpf	

The motion prevailed. So the amendment was adopted.

H. F. No. 360 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 39 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Gunderson	Laufenburger	Pillsbury	Solon
Bang	Jensen	Leasard	Purfeerst	Staples
Bernhagen	Keefe, J.	Menning	Renneke	Strand
Brataas	Kirchner	Nichols	Rued	Tennesen
Davies	Kleinbaum	Ogdahl	Schaaf	Ueland, A.
Dunn	Knaak	Olson	Schmitz	Ulland, J.
Engler	Knoll	Penny	Setzepfandt	Wegener
Frederick	Knutson	Peterson	Sieloff	

Those who voted in the negative were:

Benedict	Keefe, S.	Merriam	Perpich	Spear
Dieterich	Luther	Olhoft	Sikorski	Vega
Hughes				

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

MOTIONS AND RESOLUTIONS—CONTINUED CONFIRMATION

Mr. Willet moved that the report from the Committee on Agriculture and Natural Resources, reported May 18, 1979, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Willet moved that in accordance with the report from the Committee on Agriculture and Natural Resources, reported May 18, 1979, the Senate, having given its advice, do now consent to and confirm the appointment of:

MINNESOTA POLLUTION CONTROL AGENCY DIRECTOR

Marcelle (Terry) Hoffman, 405 Portland Avenue, St. Paul, Ramsey County, effective February 5, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

SUSPENSION OF RULES

Mr. Davies moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 703 and that the rules of the Senate be so far suspended as to give H. F. No 703, now on Special Orders, its third reading and place it on its final passage. The motion prevailed.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 44 and nays 0, as follows:

Those who voted in the affirmative were:

Bang	Gunderson	Luther	Purfeerst	Staples
Benedict	Hughes	Menning	Renneke	Strand
Bernhagen	Keefe, S.	Moe	Rued	Tennessee
Brataas	Kirchner	Nichols	Schaaf	Ueland, A.
Coleman	Kleinbaum	Ogdahl	Schmitz	Ulland, J.
Davies	Knaak	Olhoft	Setzepfandt	Vega
Dieterich	Knutson	Penny	Sikorski	Wegener
Dunn	Laufenburger	Perpich	Solon	Willet
Engler	Lessard	Pillsbury	Spear	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 8:00 o'clock a.m., Monday, May 21, 1979. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate