

## SEVENTY-FIFTH DAY

St. Paul, Minnesota, Monday, March 10, 1980

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	Knaak	Perpich	Spear
Ashbach	Frederick	Knutson	Peterson	Stern
Bang	Gearty	Luther	Pillsbury	Stokowski
Barrette	Gunderson	McCutcheon	Purfeerst	Strand
Benedict	Hanson	Menning	Rued	Stumpf
Bernhagen	Hughes	Merriam	Schaaf	Tennessen
Brataas	Jensen	Moe	Setzepfandt	Ueland, A.
Coleman	Johnson	Nelson	Sikorski	Vega
Davies	Keefe, S.	Olhoft	Sillers	Willet
Dunn	Kirchner	Omann	Solon	

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

Prayer was offered by the Chaplain, Rev. Roger Carroll.

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

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

Messrs. Humphrey and Knoll were excused from the Session of today. Mr. Penny was excused from the Session of today from 10:00 to 11:00 o'clock a.m.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

Mr. Knutson, by request, introduced—

S. F. No. 2319: A bill for an act relating to local government; permitting units to contract with each other for police service; amending Minnesota Statutes 1978, Section 436.05.

Referred to the Committee on Local Government.

Mr. Benedict introduced—

S. F. No. 2320: A bill for an act relating to game and fish; requiring field identification of big game licensees; amending Minnesota Statutes 1978, Section 98.46, by adding a subdivision.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Johnson introduced—

S. F. No. 2321: A bill for an act relating to public utilities; prohibiting advance billing for gas or electric service.

Referred to the Committee on Commerce.

Mr. Olhofft introduced—

S. F. No. 2322: A bill for an act relating to real property; providing for certification of taxes paid before recording instruments; amending Minnesota Statutes 1978, Sections 272.14; 508.47, Subdivision 4; and Chapter 272, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 272.12.

Referred to the Committee on Judiciary.

Mr. Chmielewski introduced—

S. F. No. 2323: A bill for an act relating to taxation; restricting the allowance of abortion expenses as a medical deduction for income tax purposes; amending Minnesota Statutes 1978, Section 290.09, Subdivision 10.

Referred to the Committee on Taxes and Tax Laws.

Mr. Nichols introduced—

S. F. No. 2324: A bill for an act relating to public utilities; re-

moving municipal utilities from public service commission jurisdiction and granting an option in regard thereto; amending Minnesota Statutes 1978, Section 216B.11; and Chapter 216B, by adding a section; repealing Minnesota Statutes 1978, Sections 216B.10, Subdivision 6; 216B.12, Subdivision 2; and 216B.13, Subdivision 2.

Referred to the Committee on Commerce.

Messrs. Sillers and Knutson introduced—

S. F. No. 2325: A bill for an act relating to crimes; creating a new category of offense for criminal negligence; reclassifying criminal negligence in degrees; providing for revocation of drivers' licenses; prescribing penalties; amending Minnesota Statutes 1978, Sections 169.11; 171.17; 609.21; and Chapter 609, by adding sections.

Referred to the Committee on Judiciary.

Messrs. Sieloff, Rued and Knutson introduced—

S. F. No. 2326: A bill for an act relating to taxation; abolishing the minimum tax on tax preference income; repealing Minnesota Statutes, 1979 Supplement, Section 290.091.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Wegener and Dunn introduced—

S. F. No. 2327: A bill for an act relating to retirement; authorizing the purchase of prior service credit in the public employees retirement association by a certain county commissioner.

Referred to the Committee on Governmental Operations.

Messrs. Stumpf, McCutcheon and Sieloff introduced—

S. F. No. 2328: A bill for an act relating to retirement; correcting gender references in the St. Paul police retirement law; amending Laws 1955, Chapter 151, Sections 1, Subdivision 5, as amended; 3, Subdivision 2; 13, as amended; and 16.

Referred to the Committee on Governmental Operations.

Mr. Knutson introduced—

S. F. No. 2329: A bill for an act relating to public welfare; directing the commissioner of public welfare to establish and maintain personnel standards on a merit basis for certain employees of county boards, county welfare boards, and human services boards; amending Minnesota Statutes 1978, Chapter 256, by adding a section.

Referred to the Committee on Health, Welfare and Corrections.

**Mr. Stumpf introduced—**

**S. F. No. 2330:** A bill for an act relating to the state ceremonial building; creating the state ceremonial building board; amending Minnesota Statutes 1978, Section 16.872.

**Referred to the Committee on Governmental Operations.**

**Messrs. Tennesen and Spear introduced—**

**S. F. No. 2331:** A bill for an act relating to children; establishing a photographic state adoption exchange; requiring certain children to be listed on the exchange; appropriating money.

**Referred to the Committee on Health, Welfare and Corrections.**

**Mr. Keefe, S. introduced—**

**S. F. No. 2332:** A bill for an act relating to taxation; providing that local taxes on admissions and amusements shall not apply to admissions to premises of and events sponsored by arts organizations.

**Referred to the Committee on Taxes and Tax Laws.**

**Messrs. Tennesen; Bang; Dieterich; Keefe, S. and Nichols introduced—**

**S. F. No. 2333:** A bill for an act relating to financial institutions; authorizing the acquisition of a bank or trust company located in this state by a foreign bank holding company under certain prescribed conditions; defining terms.

**Referred to the Committee on Commerce.**

**Messrs. Dunn, Nichols and Wegener introduced—**

**S. F. No. 2334:** A bill for an act relating to waters; prescribing certain procedures related to water appropriation permits; setting a penalty; amending Minnesota Statutes 1978, Sections 105.41, Subdivisions 1a and 5; and 105.416, Subdivision 3.

**Referred to the Committee on Agriculture and Natural Resources.**

**Messrs. Schmitz and Engler introduced—**

**S. F. No. 2335:** A bill for an act relating to metropolitan government; permitting loans from the metropolitan council to purchase highway rights-of-way; appropriating money; amending Minnesota Statutes 1978, Chapter 473, by adding a section.

**Referred to the Committee on Governmental Operations.** Mr. Stern questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Johnson introduced—

S. F. No. 2336: A bill for an act relating to retirement; extending coverage in the public employees retirement association to certain employees; amending Minnesota Statutes, 1979 Supplement, Section 353.01, Subdivision 2a.

Referred to the Committee on Governmental Operations.

Mr. Olhoft introduced—

S. F. No. 2337: A bill for an act relating to appropriations; providing a reimbursement to the city of Fergus Falls for local improvements that benefit state property.

Referred to the Committee on Finance.

Mr. Olhoft introduced—

S. F. No. 2338: A bill for an act relating to zoning; providing for notice of hearings; changing notice provisions for variance hearings; amending Minnesota Statutes 1978, Section 394.26, Subdivision 2.

Referred to the Committee on Local Government.

Mr. Peterson introduced—

S. F. No. 2339: A bill for an act relating to retirement; fiduciary duties and liabilities for the administration of all public employee pension funds; providing penalties; repealing Minnesota Statutes 1978, Section 352.03, Subdivision 7.

Referred to the Committee on Governmental Operations.

Mr. Ashbach, by request, introduced—

S. F. No. 2340: A bill for an act relating to local government; providing for public dedications in land subdivisions; amending Minnesota Statutes 1978, Section 462.358, Subdivision 2.

Referred to the Committee on Local Government.

Mr. Willet introduced—

S. F. No. 2341: A bill for an act relating to highway traffic regulations; including a constable within the meaning of the definition of peace officer in the implied consent law; amending Minnesota Statutes 1978, Section 169.123, Subdivision 1.

Referred to the Committee on Transportation.

Messrs. Dunn, Bernhagen, Willet, Olson and Omann introduced—

S. F. No. 2342: A bill for an act relating to pollution; providing for a pilot pollution control project in the pollution control agency; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Luther, Strand, Merriam, Anderson and Knutson introduced—

S. F. No. 2343: A bill for an act relating to education; imposing duties on certain test agencies; providing a penalty for failure to perform the duties.

Referred to the Committee on Education.

Mr. Setzepfandt introduced—

S. F. No. 2344: A bill for an act relating to the city of Redwood Falls; authorizing the issuance of general obligation revenue bonds to finance improvements to the electric utility of the city.

Referred to the Committee on Local Government.

Mr. Moe introduced—

S. F. No. 2345: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Knutson introduced—

S. F. No. 2346: A bill for an act relating to alcoholic beverages; increasing the age for licensing, sale, consumption, possession and furnishing; amending Minnesota Statutes 1978, Sections 340.02, Subdivision 8; 340.035, Subdivision 1; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.403, Subdivision 3; 340.73, Subdivision 1; 340.731; 340.78; 340.79; 340.80; and 340.81.

Referred to the Committee on Judiciary.

Mr. Knutson introduced—

S. F. No. 2347: A bill for an act relating to real estate; providing for a state land registration assurance fund; combining the tax forfeited land assurance account with the land registration assurance fund; eliminating separate county assurance funds; appropriating money; amending Minnesota Statutes 1978, Sections 284.28, Subdivisions 8, 9 and 10; 508.75; 508.77; 508.79; 508.82; and 508.83.

Referred to the Committee on Judiciary.

Mr. Davies introduced—

S. F. No. 2348: A bill for an act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth certificate; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; amending Minnesota Statutes 1978, Sections 144.218, Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivision 5, and by adding a subdivision; 259.25, Subdivision 1, and by adding a subdivision; and 259.27, Subdivision 4; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

Referred to the Committee on Judiciary.

#### 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. 482.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 6, 1980

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. 1010: A bill for an act relating to elections; regulating the financing of political campaigns and disclosure of economic interests by certain candidates and elected officials in Hennepin County; imposing duties on the ethical practices board, county election officials and city clerks; superseding other special laws, home rule charters and local ordinances; imposing late filing fees and criminal penalties; repealing Laws 1977, Chapter 131.

Senate File No. 1010 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 6, 1980

#### CONCURRENCE AND REPASSAGE

Mr. Luther moved that the Senate concur in the amendments by the House to S. F. No. 1010 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1010 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 39 and nays 24, as follows:

Those who voted in the affirmative were:

Anderson	Johnson	Nelson	Schmitz	Stokowski
Benedict	Keefe, S.	Nichols	Setzepfandt	Strand
Coleman	Laufenburger	Olhoft	Sieloff	Stumpf
Dieterich	Luther	Olson	Sikorski	Tennessen
Gearty	McCutcheon	Perpich	Solon	Vega
Gunderson	Menning	Peterson	Spear	Wegener
Hanson	Merriam	Purfeerst	Staples	Willet
Hughes	Moe	Schaaf	Stern	

Those who voted in the negative were:

Ashbach	Chmielewski	Keefe, J.	Lessard	Rued
Bang	Dunn	Kirchner	Ogdahl	Sillers
Barrette	Engler	Kleinbaum	Omann	Ueland, A.
Bernhagen	Frederick	Knaak	Pillsbury	Ulland, J.
Brataas	Jensen	Knutson	Renneke	

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. 1215: A bill for an act relating to public safety; prohibiting scuba or skin diving during certain hours and under certain conditions; amending Minnesota Statutes 1978, Section 361.09, by adding a subdivision.

Senate File No. 1215 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 6, 1980

#### CONCURRENCE AND REPASSAGE

Mr. Peterson moved that the Senate concur in the amendments by the House to S. F. No. 1215 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1215: A bill for an act relating to public safety; prohibiting scuba or skin diving during certain hours and under certain conditions; amending Minnesota Statutes 1978, Section 361.085.

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 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Lessard	Pillsbury	Stern
Ashbach	Gunderson	Luther	Purfeerst	Stokowski
Bang	Hanson	McCutcheon	Renneke	Strand
Barrette	Hughes	Menning	Rued	Stumpf
Bernhagen	Jensen	Merriam	Schaaf	Tennessen
Brataas	Johnson	Moe	Schmitz	Ueland, A.
Chmielewski	Keefe, J.	Nelson	Setzepfandt	Vega
Coleman	Keefe, S.	Nichols	Sieloff	Wegener
Davies	Kirchner	Olhoff	Sikorski	Willet
Dieterich	Kleinbaum	Olson	Sillers	
Dunn	Knaak	Omann	Solon	
Engler	Knutson	Perpich	Spear	
Frederick	Laufenburger	Peterson	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. 888: A bill for an act relating to tuberculosis; closing the Glen Lake State Sanatorium; requiring the treatment of tuberculosis; allocating costs of tuberculosis treatment for persons in the welfare system; amending Minnesota Statutes 1978, Sections 144.422, Subdivisions 6 and 9; 144.424, Subdivisions 8 and 11; 144.425; 197.01; 246.014; 251.043, Subdivision 1; 251.053; and 256.01, Subdivision 2; repealing Minnesota Statutes 1978, Sections 246.014, Subdivision 8; 251.01; 251.011, Subdivisions 2 and 5; 251.02; 251.03; and 251.11.

Senate File No. 888 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 6, 1980

#### CONCURRENCE AND REPASSAGE

Mr. Kirchner moved that the Senate concur in the amendments by the House to S. F. No. 888 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 888: A bill for an act relating to tuberculosis; eliminating certain obsolete language from tuberculosis statutes; requiring detection and treatment of tuberculosis under certain circumstances; closing the Glen Lake State Sanatorium; requiring the treatment of tuberculosis; allocating costs of tuberculosis treatment for persons in the welfare system; amending Minnesota Statutes 1978, Sections 144.422, Subdivisions 2, 6, 7 and 9;

144.424, Subdivisions 8, 9 and 11; 144.425; 144.45; 144.471; 144.49, Subdivisions 5 and 8; 197.01; 241.07; 241.15; 246.014; 246.28; 251.043, Subdivision 1; 251.053; 251.15, Subdivision 1; and 256.01, Subdivision 2; repealing Minnesota Statutes 1978, Sections 144.42; 144.421; 144.424, Subdivision 10; 144.427; 144.428; 144.429; 144.43; 144.46; 144.47; 144.50, Subdivision 4; 145.13; 145.24, Subdivision 4; 246.014, Subdivision 8; 251.01; 251.011, Subdivisions 2 and 5; 251.02; 251.03; 251.08; 251.09; 251.10; 251.11; 251.12; 251.13; 251.14; 251.16; and 376.18 to 376.54.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Laufenburger	Perpich	Spear
Ashbach	Gearty	Lessard	Peterson	Staples
Bang	Gunderson	Luther	Pillsbury	Stern
Barrette	Hanson	McCutcheon	Purfeerst	Stokowski
Benedict	Hughes	Menning	Renneke	Strand
Bernhagen	Jensen	Merriam	Rued	Stumpf
Brataas	Johnson	Moe	Schaaf	Tennessee
Chmielewski	Keefe, J.	Nelson	Schmitz	Ueland, A.
Coleman	Keefe, S.	Nichols	Setzepfandt	Ulland, J.
Davies	Kirchner	Ogdahl	Sieloff	Vega
Dieterich	Kleinbaum	Olhoff	Sikorski	Wegener
Dunn	Knaak	Olson	Sillers	Willet
Engler	Knutson	Omann	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 acceded to the request of the Senate for the appointment of a Conference Committee, consisting of three members of the House, on the amendments adopted by the House to the following Senate File:

S. F. No. 410: A bill for an act relating to courts; board on judicial standards; providing for appointment of an executive secretary by the board; providing for appointment of board members by certain organizations; amending Minnesota Statutes 1978, Section 490.15, Subdivision 1.

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

Rothenberg, McCarron and Voss.

Senate File No. 410 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 6, 1980

Mr. President:

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

S. F. No. 768: A bill for an act relating to natural resources; requiring county board or land exchange board approval on the acquisition of wildlife lands by the commissioner of natural resources; amending Minnesota Statutes 1978, Section 97.481.

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

Rothenberg, Stoa and Kvam.

Senate File No. 768 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 6, 1980

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. 455 and repassed said bill in accordance with the report of the Committee, so adopted.

H. F. No. 455: A bill for an act relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education to promulgate certain rules and giving it exclusive jurisdiction over sex discrimination charges; providing for the rights of certain parties in the case of certain sex discrimination charges; amending Minnesota Statutes 1978, Sections 126.21 and 363.02, Subdivision 3.

House File No. 455 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 6, 1980

Mr. Merriam moved that H. F. No. 455 and the Conference Committee Report thereon be laid on the table. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H. F. Nos. 1435, 1653 and 1764.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 6, 1980

**FIRST READING OF HOUSE BILLS**

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

H. F. No. 1435: A bill for an act relating to health; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1978, Section 147.09.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 1653: A bill for an act relating to public welfare; eliminating authorization for Minnesota State Children's Center; repealing Minnesota Statutes 1978, Sections 260.41 to 260.46.

Referred to the Committee on Health, Welfare and Corrections.

H. F. No. 1764: A resolution memorializing the United States Congress to enact legislation to extend the deadline for states to comply with recent amendments to the National Health Planning and Resources Development Act.

Referred to the Committee on Health, Welfare and Corrections.

**REPORTS OF COMMITTEES**

Mr. Coleman moved that the Committee Reports at the Desk be now adopted, with the exception of the reports on S. F. Nos. 1457, 1534 and 2218 and reports pertaining to appointments. The motion prevailed.

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

S. F. No. 1028: A bill for an act relating to trade regulation; prohibiting certain unfair and deceptive practices and unreasonable restraints of trade in the business of motion picture distribution; prescribing penalties.

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

Page 1, line 9, delete "7" and insert "5"

Page 3, lines 18 and 24, delete "5" and insert "3"

Page 4, delete sections 4 and 5

Page 5, lines 1, 4 and 7, delete "5" and insert "3"

Renumber the sections in sequence

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

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

S. F. No. 1854: A bill for an act relating to commerce; expanding

the definition of a "sale of goods" as it applies to consumer credit sales to include certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1978, Sections 325.94, Subdivision 5; and 325.941, by adding subdivisions.

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

Page 2, line 24, after "to" insert "*a lease or bailment which constitutes*"

Page 2, line 25, delete "*whether*" and insert "*if*" and delete "*new*"

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

Page 2, lines 27 to 29, delete section 4

Amend the title as follows:

Page 1, line 2, delete "expanding" and insert "clarifying"

Page 1, line 4, delete "include" and insert "make it clear that it includes"

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

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

S. F. No. 1704: A bill for an act relating to motor vehicle carriers; defining courier services carrier; providing the procedures for granting permits to courier services carriers; excluding courier service carriers from the term regular route common carrier; amending Minnesota Statutes 1978, Sections 221.011, Subdivision 9, and by adding a subdivision; and 221.121, by adding a subdivision.

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

Page 1, line 18, strike "shall" and insert "*does*"

Page 1, line 24, strike "such" and insert "*the*"

Page 2, lines 3 and 8, strike "such" and insert "*the*"

Page 2, line 26, delete "*an application for*"

Page 2, line 28, delete "*courier services carrier may include*" and insert "*applicant resemble*"

Page 2, after line 30, insert:

"Sec. 4. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

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

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

S. F. No. 1132: A bill for an act relating to financial institutions; authorizing securities for investment of deposits of savings banks and other financial institutions and for deposit to secure deposits of public funds; amending Minnesota Statutes 1978, Sections 50.14, Subdivision 4; and 118.01.

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

Page 3, delete line 19

Page 3, line 20, delete *"any other revenues"* and insert *"payable from revenues other than ad valorem taxes as contemplated in clause (a)"*

Page 3, line 20, delete *"the state of"*

Page 3, line 21, delete *"Minnesota"* and insert *"any state or insular possession of the United States"*

Page 3, line 25, delete *"Minnesota"* and insert *"any state"*

Page 3, line 25, before *"obligations"* insert *"bonds or other interest bearing"*

Page 3, line 26, delete *"one-third"* and insert *"three"*

Page 3, line 27, delete *"of the"*

Page 3, line 27, after *"bonds"* insert *"or other interest bearing obligations"*

Page 3, line 29, delete *"securities"* and insert *"bonds or other interest bearing obligations"*

Page 4, line 8, after the comma insert *"and obligations issued pursuant to chapter 474,"*

Page 6, line 32, strike *" , except that no"*

Page 6, strike line 33

Page 7, strike lines 1 to 3 and delete the new language in line 1

Page 7, line 4, strike *"sections 48.22 or 51A.20"*

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

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

S. F. No. 1398: A bill for an act relating to accounting; providing for the licensing of public accountants and certified public accountants; specifying additional means of satisfying experience requirements; amending Minnesota Statutes 1978, Section 326.19, Subdivision 4.

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, 1979 Supplement, Section 326.165, Subdivision 1, is amended to read:

326.165 [BOARD OF ACCOUNTANCY.] Subdivision 1. [PURPOSE.] It is the policy of this state to promote the dependability of information which is used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private or governmental. The public interest requires that persons engaged in the practice of public accounting be qualified; that a public authority competent to prescribe and assess the qualifications of public accountants be established; that the expression of *any form of assurance or of opinions on financial statements* be reserved to persons who demonstrate their ability and fitness to observe and apply the standards of the accounting profession; and that the use of accounting titles likely to confuse the public be prohibited.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 326.165, Subdivision 2, is amended to read:

Subd. 2. [PRACTICE OF PUBLIC ACCOUNTING.] The "practice of public accounting" is: (a) holding one's self out to the public as skilled in the knowledge, science, and practice of accounting; or, (b) *expressing any form of assurance on financial statements*; or (c) *expressing opinions on financial statements, schedules, reports, or exhibits to be used for publication, for credit purposes, for use in courts or and for other purposes involving use by third parties.*

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 326.17, is amended to read:

326.17 [BOARD OF ACCOUNTANCY.] A board of accountancy is ~~hereby~~ created to carry out the purposes and enforce the provisions of ~~section~~ *sections* 326.165 and ~~sections 326.17 to 326.23.~~ It shall ~~consist~~ *consists* of between seven and nine citizens of this state to be appointed by the governor as provided in this section. Two shall be public members as defined by section 214.02, five shall be *currently* licensed certified public accountants, and two shall be licensed public accountants under the provisions of ~~sections 326.17 to 326.23.~~ *326.165 to 326.23.* When the number of licensed public accountants in this state drops below 100, their representation on the board of accountancy shall drop to one and the board shall consist of two public members, five *currently* licensed certified public accountants, and one licensed public accountant. At the time when the number of licensed public accountants in this state drops below 25, the licensed public accountants shall lose their representation on the board, except that the licensed public accountant then serving on the board shall be allowed to complete his term of office and the board shall consist of two public mem-

bers and five *currently licensed* certified public accountants. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and sections ~~326.17~~ 326.165 to 326.23.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 326.18, is amended to read:

326.18 [BOARD, DUTIES, OFFICERS, EXAMINATIONS.] A majority of the board ~~shall constitute~~ *constitutes* a quorum. The board shall elect one of its number as chairman, another as vice-chairman, and another as secretary and treasurer, who shall hold their respective offices for a term of one year and until their successors are elected. The affirmative vote of ~~four~~ *a majority of* members of the board ~~shall be~~ *is* considered as the action of the board. The board shall enforce the standard of general education; the standard of special education in the science and art of accounting; the standard of ~~moral~~ *good* character and general public experience, as prescribed in sections ~~326.17~~ 326.165 to 326.23, in all examinations conducted thereunder. The board shall make rules for the conduct of applicants' examinations and the character and scope of ~~such~~ *the* examinations, the method and time of filing applications for examinations and their form and contents, and all other rules and regulations proper to carry into effect the purposes of sections ~~326.17~~ 326.165 to 326.23. *The board may make use of all or any part of the uniform certified public accountant examination and advisory grading service provided by the American Institute of Certified Public Accountants if it deems it appropriate to assist it in performing its duties.* ~~All such~~ *These* examinations shall be conducted by the board of accountancy. The time and place of holding examinations shall be advertised for not less than three consecutive days in one daily newspaper published in each of the counties where the examinations are to be held, and not less than 60 days prior to the date of each examination. The examinations shall take place as often as may be convenient in the opinion of the board. The board may make rules necessary to implement and enforce sections ~~326.17~~ 326.165 to 326.23, and 214.12, including but not limited to rules of professional conduct pertaining to individuals, partnerships and corporations practicing public accounting which it deems consistent with or required by the public welfare and rules of continuing education to be met by persons licensed under sections ~~326.17~~ 326.165 to 326.23.

The board shall keep records of its proceedings, an accurate list of all applications made, licenses and ~~permits~~ *certificates* issued, and licenses and ~~permits~~ *certificates* revoked, and shall keep proper financial records in which there shall be entered a complete statement of the cash receipts and disbursements. The board shall issue to each person who ~~meets~~ *satisfies* the examination and ~~experience~~ requirements of *section 326.19, subdivision 1*, a certi-



fied public accountant a certificate to that effect, and shall maintain a record of that issuance. *The board shall issue a license as a certified public accountant to each holder of a certified accountant certificate who satisfies the experience requirements for a license as a certified public accountant or to a person who has been issued a certified public accountant certificate under section 326.19, subdivision 3. The board shall maintain a record of the issuance. It shall adopt and provide itself with a seal with a band inscribed "Certified public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate of certified public accountant issued under sections 326.17 to 326.23. The board shall issue to each person who qualifies for a license under sections 326.17 to 326.23 as a licensed public accountant a certificate as a licensed public accountant and shall maintain a record of that issuance. It shall adopt and provide itself with a seal with a band inscribed "Licensed public Accountant, State of Minnesota," with the coat of arms of Minnesota in the center, which seal shall be affixed to each certificate of the licensed public accountant, issued under sections 326.17 to 326.23. All records of the board shall be open to the inspection of the public at the office of its secretary.*

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 326.19, subdivision 2, is amended to read:

*Subd. 2. Subdivision 1. [CERTIFICATES AND LICENSES AS CERTIFIED PUBLIC ACCOUNTANTS.] The license, A certified public accountant, certificate shall be granted to any person:*

- (a) Who has attained the age of 18 years; and
- (b) Who ~~holder~~ *is of good character; and*
- (c) *Who has successfully completed an examination in the subjects and at the times the board may prescribe in its rules. The examination shall be administered by the board only to a candidate 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 one year* of 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~~ *three* 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~~ *five* years experience of the type specified in subdivision 4, has been completed; and

(e) 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 (e) (i) or clause (e) (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 (e) (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 (e) (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 (e) (v), provided at least five years experience of the type specified in subdivision 4, has been completed.

Sec. 6. Minnesota Statutes 1978, Section 326.19, is amended by adding a subdivision to read:

*Subd. 2. A certified public accountant license shall be granted to any person who has been issued a certified public accountant certificate under subdivision 3 of this section. Those persons holding certified public accountant certificates issued under subdivision 1 of this section shall be granted licenses as certified public accountants providing that they have completed the following re-*

quired experience of the type specified in subdivision 4 of this section in addition to any experience required in subdivision 1, clause (c) (i) to (v) of this section:

(i) for those whose educational qualifications meet the requirements of subdivision 1, clause (c) (i) of this section the experience requirement is one year;

(ii) for those whose educational qualifications meet the requirements of subdivision 1, clause (c) (ii) of this section the experience requirement is two years;

(iii) for those whose educational and experience qualifications meet the requirements of subdivision 1 clause (c) (iii) of this section, the additional required experience is two years;

(iv) for those whose educational and experience qualifications meet the requirements of subdivision 1, clause (c) (iv) of this section, the additional required experience is two years; and

(v) for those whose educational and experience qualifications meet the requirements of subdivision 1, clause (c) (v) of this section, the additional required experience is one year.

Sec. 7. Minnesota Statutes 1978, Section 326.19, Subdivision 3, is amended to read:

Subd. 3. [CERTIFICATE AND LICENSE WITHOUT EXAMINATION.] The state board of accountancy may, in its discretion, waive the examination of and may issue a certificate and license for as a certified public accountant to any person possessing the qualifications mentioned in this section, who:

(a) Is the holder of a C.P.A. license or certificate, issued under the laws of another state, provided the requirements for the degree license or certificate in the state which has granted it to the applicant are, in the opinion of the state board of accountancy, equivalent to those herein provided; or

(b) Shall be the holder of a degree or certificate of certified public accountant or chartered accountant, or the equivalent thereof, issued in any foreign country, provided that the requirements for such the degree or certificate are equivalent to those herein provided for the license of certified public accountant in this state.

(c) Shall in another jurisdiction have completed successfully an examination which, in the opinion of the board, is comparable to that prescribed by the board in its rules and provided that such person has satisfied the other requirements of ~~subdivision~~ subdivisions 1 and 2.

Sec. 8. Minnesota Statutes 1978, Section 326.19, Subdivision 4, is amended to read:

Subd. 4. [QUALIFYING EXPERIENCE FOR EXAMINATION AND GRANTING OF LICENSE.] Qualifying experience for subdivisions 1, 2 and 3 shall include public accounting experience (1) as a staff employee of a certified public accountant or public accountant, a firm of certified public accountants or public accountants, or a corporation formed for the practice of public accounting; or (2) as an auditor in the office of the legislative

auditor or state auditor, or as an auditor or examiner with any other agency of government, which experience, in the opinion of the board is equally comprehensive and diversified; or (3) as a self-employed public accountant or as a partner in a firm of public accountants; or (4) in any combination of the foregoing capacities.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 326.211, Subdivision 3, is amended to read:

Subd. 3. No person shall assume or use the title or designation "licensed public accountant" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a licensed public accountant, unless the person is licensed as a licensed public accountant under section 326.191, and all of the person's offices in this state for the practice of public accounting are maintained and licensed as required under section 326.20, or unless the person has received a certificate as a certified public accountant under section ~~326.18~~ 326.19, holds a license issued under section 326.20, and all of the person's offices in this state for the practice of public accounting are maintained and licensed as required under section 326.20.

Sec. 10. Minnesota Statutes, 1979 Supplement, Section 326.211, Subdivision 9, is amended to read:

Subd. 9. No person shall assume or use the title or designation "certified public accountant" or "licensed public accountant" in conjunction with names indicating or implying that there is a partnership, or in conjunction with the designation "and Company" or "and Co." or a similar designation if, in any such case, there is in fact no bona fide partnership licensed under section 326.20. A sole proprietor or partnership lawfully using ~~such the~~ title or designation in conjunction with ~~such the~~ names or designation on the effective date of Laws 1979, Chapter 326 July 1, 1980 may continue to do so if he or it otherwise complies with the provisions of Laws 1979, Chapter 326, Sections 1 to 13 and Minnesota Statutes, Sections ~~327.17~~ 326.165 to ~~327.23~~ 326.23.

Sec. 11. Minnesota Statutes, 1979 Supplement, Section 326.212, Subdivision 2, is amended to read:

Subd. 2. The board, by rule, may permit persons holding a certificate issued pursuant to section ~~326.18~~ 326.19, but who do not hold a current license, to assume or use the title or designation "certified public accountant" or "licensed public accountant," or the abbreviation "C.P.A.," "L.P.A.," or other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or licensed public accountant, provided (a) that the board has not revoked, suspended, or refused to renew a license previously issued to the person; (b) that the assumption or use is not incident to the practice of public accountancy; and (c) that the assumption or use is not in conjunction with or incident to any opinion or certificate within the purview of section ~~326.20~~ 326.211, subdivision 4 6.

Sec. 12. Laws 1979, Chapter 326, Section 16, is amended to read:

Sec. 16. [EFFECTIVE DATE.] Section 7 8 is effective July 1, 1980. The remaining sections are effective the day following final enactment June 6, 1980 .

Sec. 13. *This act is effective the day following final enactment.*"

Delete the title and insert:

"A bill for an act relating to accountancy; providing for the licensing of public accountants; clarifying the law; amending Minnesota Statutes 1978, Sections 326.19, Subdivisions 3 and 4, and by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 326.165, Subdivisions 1 and 2; 326.17; 326.18; 326.19, Subdivision 2; 326.211, Subdivisions 3 and 9; 326.212, Subdivision 2; and Laws 1979, Chapter 326, Section 16."

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 773: A bill for an act relating to wild animals; prohibiting possession of firearms while shining wild animals; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10.

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

Page 1, line 14, strike ", except raccoons when treed"

Page 1, line 15, strike "while on foot" and delete the new language

Page 1, lines 18 to 22, reinstate the stricken language

Page 2, lines 1 to 8, reinstate the stricken language

Page 2, line 8, strike everything after the period

Page 2, lines 9 to 15, strike the old language

Page 2, lines 10, 14 and 15, delete the new language

Page 2, line 15, after the period, insert "*Raccoons may be taken between the hours of sunset and sunrise only under the following conditions:*

(a) *Hunters shall be on foot and may use an artificial light only when using dogs for the purpose of taking raccoon.*

(b) *Rifles, when used, shall not be of a caliber larger than .22 rim-fire, using .22 short, long or long rifle ammunition.*

(c) *Shotguns, when used, shall use shells with shot no larger than No. 4 fine shot."*

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before the semicolon and insert "clarifying conditions under which raccoons can be taken at night"

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

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

S. F. No. 1756: A bill for an act relating to highways; providing that a resolution of a county board revoking a county highway that would revert to a town is not effective until the highway meets town road specification standards; amending Minnesota Statutes 1978, Section 163.11, Subdivision 5a.

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

Page 1, line 12, strike "Prior to" and insert "Before"

Page 2, line 1, delete "; *provided that,*" and insert a period

Page 2, line 2, delete "any"

Page 2, line 4, delete "or exceed"

Page 2, line 4, delete everything after "the" and insert "county standards for a comparable road in the county in which the town is located"

Page 2, line 5, delete the new language

Amend the title as follows:

Page 1, line 5, delete "town" and insert "county"

Page 1, line 5, delete "specification"

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

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

S. F. No. 2109: A bill for an act relating to transportation; permitting establishment of toll bridges on county highways and county state aid highways; authorizing the issuance of revenue bonds to finance their cost; amending Minnesota Statutes 1978, Chapter 165, by adding a section.

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

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

S. F. No. 1914: A bill for an act relating to highway traffic regulations; authorizing certain identification rights on motor vehicles

operated by certificated volunteer ambulance drivers; amending Minnesota Statutes 1978, Section 169.58, by adding a subdivision.

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

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

S. F. No. 1208: A bill for an act relating to taxation; property tax; providing for reassessment of substantially damaged property; amending Minnesota Statutes 1978, Sections 273.01; 274.01, Subdivision 1; and 274.13, Subdivision 1.

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

Page 2, line 31, after "*of the*" insert "*improvements to*"

Page 7, line 15, after "*of the*" insert "*improvements to*"

Page 7, line 17, after "*percent*" insert "*. To obtain the reduction, the owner of such property shall apply to the assessor before July 1. Upon receipt of the application, the assessor shall view the property and submit his recommendation for revaluation to the county board of equalization prior to its annual meeting*"

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

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

S. F. No. 1992: A bill for an act relating to elections; providing for preparation of consolidated primary election ballots by counties at state expense; amending Minnesota Statutes 1978, Section 203A.23, Subdivision 1.

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

Page 2, after line 4, insert:

"Sec. 2. [TEMPORARY RULES.] *The secretary of state may adopt temporary rules pursuant to section 15.0412, subdivision 5, for the preparation and delivery of the consolidated primary ballot and reimbursement of counties' costs. Notwithstanding any other law, the temporary rules shall be effective until permanent rules are adopted.*

Sec. 3. [APPROPRIATION.] *The sum of \$. . . . . is appropriated from the general fund to the secretary of state for reimbursement of counties' costs as provided in this act.*

Sec. 4. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Amend the title as follows:

Page 1, line 4, after the semicolon insert "providing rulemaking authority to the secretary of state; appropriating money;"

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

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

S. F. No. 2138: A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1978, Sections 205.10; 205.17, Subdivision 1; and 412.02, Subdivision 2, and by adding a subdivision.

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

Page 2, line 9, before the period insert "*as provided in section 3*"

Pages 2 and 3, delete section 2

Page 3, line 16, delete "*a special*" and insert "*an*" and delete "*in*"

Page 3, delete line 17

Page 3, line 18, delete "*election*" and insert "*as provided in this subdivision*"

Page 3, line 20, after the second "*the*" insert "*next*"

Page 3, line 21, after the comma insert "*a special election shall be held at the next regular city election and*"

Page 3, line 23, delete "*, if any,*"

Page 3, line 28, delete "*next*" and insert "*second*"

Page 3, line 29, after the period insert "*No special election shall be held if the next regular city election is held in the year preceding expiration of the vacant term. The names of candidates to fill a vacancy in the office of councilman in a statutory city shall be listed under the separate heading 'Special election for councilman to fill vacancy in term expiring . . . . .', with the date of expiration of the term and any other information as may be necessary to distinguish the office. Under the heading for the office of mayor in a special election shall be the words 'To fill vacancy in term expiring . . . . .'.*"

Sec. 4. [EFFECTIVE DATE.] *This act is effective the day following final enactment.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "205.17, Subdivision 1;"

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



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

S. F. No. 1783: A bill for an act relating to elections; providing for hearings of contested legislative elections; amending Minnesota Statutes 1978, Sections 209.02, Subdivision 4a; 209.09; and 209.10, Subdivision 1.

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

Page 2, line 19, strike "his action" and insert "*the contest*"

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

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

S. F. No. 2053: A bill for an act relating to elections; requiring certain employers to attempt to let employees make up time taken off for certain public meetings; amending Minnesota Statutes 1978, Section 210A.09, Subdivision 2.

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

Page 1, lines 16 and 17, delete "*time is taken*" and insert "*an employee takes time*"

Page 1, line 17, delete "*every*" and insert "*an*"

Page 1, line 19, delete "*conveniently*"

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

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

S. F. No. 2136: A bill for an act relating to elections; changing certain procedures and the effect of absentee ballots; amending Minnesota Statutes 1978, Section 207.05, Subdivision 1.

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

Pages 1 and 2, delete section 1

Page 2, line 11, delete "*Friday immediately*" and insert "*day*"

Delete all underlining from the bill

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete "; amending" and insert a period

Page 1, delete lines 4 and 5

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1844: A bill for an act relating to advertising devices; authorizing advertising devices within 500 feet of local parks under certain circumstances; amending Minnesota Statutes 1978, Section 173.08, Subdivision 2.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1978, Section 173.08, Subdivision 2, is repealed."

Delete all underlining from the bill

Amend the title as follows:

Page 1, line 2, delete "authorizing" and insert "permitting"

Page 1, line 3, delete everything after "devices" and insert "in certain places"

Page 1, line 4, delete "amending" and insert "repealing"

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 2111: A bill for an act relating to counties; providing for the responsibilities and appointments of deputy county treasurers; amending Minnesota Statutes 1978, Section 385.02, Subdivision 1.

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1950: A bill for an act relating to certain towns in St. Louis County; providing a method for determining whether to open or maintain certain town roads.

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

Page 1, line 7, delete "of Alden,"

Page 1, delete line 8

Page 1, line 9, delete "and Rice Lake"

Page 1, line 18, delete "a" and insert "each" and delete "named"

Page 1, line 19, delete "section 1" and insert "St. Louis County"

Amend the title as follows:

Page 1, line 2, delete "certain"

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 2074: A bill for an act relating to industrial development; permitting hearings by a committee of the governing body; providing for published notice; amending Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7b.

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

Page 1, line 21, reinstate "15" and delete "10"

Amend the title as follows:

Page 1, line 4, delete "providing for published notice;"

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1745: A bill for an act relating to counties; providing for publication and examination of accounts; amending Minnesota Statutes, 1979 Supplement, Section 375.17.

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 2123: A bill for an act relating to Dakota County; providing for the expenses of the county commissioners; amending Laws 1961, Chapter 249, Section 2, as amended.

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1997: A bill for an act relating to the city of Austin; authorizing the establishment and financing of the capital cost of a solid waste disposal system and program.

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

Page 2, line 29, before the comma insert "except as provided in section 4"

Page 3, after line 7, insert:

"Sec. 4. The city council of the city of Austin prior to the issuance of any bonds authorized by section 3 shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper of the city. The bonds may be issued without the submission of the question of their issuance to the voters of the city unless within 21 days after the second publication of the resolution a petition requesting an election signed by at least eight percent of the registered voters of the city voting in the last general election is filed with the city recorder. If a petition is filed, no bonds shall be issued unless approved by a majority of the voters of the city voting on the question of their issuance at a regular or special election."

Renumber the sections in sequence

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

Mr. Olson from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 2168: A bill for an act relating to historic sites; designating an additional historic site; amending Minnesota Statutes 1978, Section 138.56, by adding a subdivision.

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

Mr. Olson from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 2183: A bill for an act relating to gambling devices; changing definition of gambling devices; authorizing certain payments for operation of gambling devices; amending Minnesota Statutes 1978, Section 349.26, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 349.26, Subdivision 12.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 349.26, Subdivision 4, is amended to read:

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

Sec. 2. Minnesota Statutes 1978, Section 349.26, Subdivision 5, is amended to read:

Subd. 5. "Raffle" means a game in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing to take place at a location and date printed upon the ticket.

Sec. 3. Minnesota Statutes 1978, Section 349.26, Subdivision 15, is amended to read:

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

Amend the title as follows:

Page 1, line 2, delete "changing" and insert "clarifying certain"

Page 1, line 2, delete "definition" and insert "definitions"

Page 1, delete line 3

Page 1, line 4, delete everything before the semicolon

Page 1, delete lines 6 and 7, insert "Subdivisions 4, 5, and 15."

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

Mr. Olson from the Committee on General Legislation and Administrative Rules, to which was referred

S. F. No. 2218: A bill for an act relating to peace officers; exempting municipalities with a population of less than or equal to 5,000 from part-time officer licensing by the board of peace officer standards and training; authorizing such municipalities to adopt part-time officer licensing ordinances; amending Minnesota Statutes 1978, Chapter 626, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 626.8461.

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

Page 2, line 13, after "Subdivision 1." insert "[DEFINITION.] For the purpose of this section, "part-time officer" means an individual whose services are utilized by law enforcement agencies no more than an average of 32 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who either has full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency.

*Subd. 2."*

Renumber the subdivisions in sequence

Page 4, after line 4, insert:

"Sec. 3. Minnesota Statutes, 1979 Supplement, Section 626.84, is amended to read:

626.84 [DEFINITIONS.] For the purposes of sections 626.84 to 626.855, the following terms shall have the meanings given them *unless a different meaning is indicated* :

(a) "Board" means the Minnesota board of peace officer standards and training;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

(d) "Constable" shall have the meaning assigned to it in section 367.40.

(e) "Deputy constable" shall have the meaning assigned to it in section 367.40.

(f) "Part-time officer" means an individual whose services are utilized by law enforcement agencies no more than an average of 14 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply irrespective of the title conferred upon the individual by any law enforcement agency.

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency for purposes including, but not limited to, providing supplementary assistance at special events, traffic or crowd control, or administrative or clerical assistance; provided that the individual's duties do not include enforcement of the general criminal laws of the state unless accompanied by a licensed peace officer; further provided that the individual does not have full powers of arrest or authorization to carry a firearm on duty. The term shall apply even though the individual receives no compensation and irrespective of the number of hours worked by, or the title conferred upon, the individual by any law enforcement agency."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "municipalities" and insert "municipalities"

Page 1, line 9, delete "Section" and insert "Sections 626.84; and"

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 2025: A bill for an act relating to water resources; continuing the water planning board; changing its membership and duties; appropriating money; amending Minnesota Statutes 1978, Section 105.401; and Laws 1979, Chapter 333, Section 31, Subdivision 5.

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

Page 2, line 16, after "commission" insert "*and evaluate and update its contents*"

Page 2, delete line 17

Page 2, line 18, delete everything before "*comprehensive*" and insert "(2) *Coordinate and develop*"

Page 2, line 19, delete "*in furtherance of the*"

Page 2, line 20, delete "*framework plan*"

Page 2, line 26, strike "participation of" and insert "*opportunity for*"

Page 2, line 27, after "government" insert "*to participate*"

Page 2, line 29, after "activities" insert "*of the board*"

Page 2, line 32, after "89-80" insert "*, as amended*"

Page 2, line 33, after "funding" insert "*and such other federal water and related land resources planning programs affecting more than a single agency as the board finds appropriate*"

Page 3, line 7, strike "many"

Page 3, line 8, after "state" insert "*, local,*"

Page 3, line 9, strike "public"

Page 3, line 14, delete everything after "(9)"

Page 3, line 16, after the semicolon insert "*and*"

Page 3, line 17, after "*and*" insert "*, where directed,*"

Page 3, line 19, delete everything after "*management*" and insert a period

Page 3, delete lines 20 to 31

Page 4, line 12, after "446" insert *"until 90 days after the legislature designates a permanent successor to the water planning board, but not longer than"*

Page 4, line 12, reinstate *"through June 30,"* and after the stricken "1980" insert "1982"

Page 4, line 14, after "plan" insert *"for evaluation and further development of water planning"*

Page 4, line 19, delete *"legislation"* and insert *"a report to the governor, the successor to the water planning board and the legislature from which appropriate legislation may be developed"*

Page 4, after line 30 insert:

*"The water planning board is extended until 90 days after the legislature designates a permanent successor to the water planning board or until June 30, 1982, whichever comes sooner. In accordance with the preceding provision, Minnesota Statutes 1978, Section 105.401, expires on or before June 30, 1982."*

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

Mr. Willet from the Committee on Agriculture and Natural Resources, to which was referred

S. F. No. 2094: A bill for an act relating to game and fish; requiring licenses of persons providing guide services for bear hunters; specifying fees; amending Minnesota Statutes 1978, Section 98.46, Subdivisions 4 and 16.

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

Page 1, before line 8. insert:

*"Section 1. Minnesota Statutes 1978, Section 97.40, Subdivision 7, is amended to read:*

*Subd. 7. "Fur bearing animals" includes all protected mammals, except bear, deer, moose, elk and caribou."*

Page 1, line 9, delete the comma

Page 1, line 11, delete everything after *"bear"*

Page 1, line 12, delete *"maintain in effect"* and insert *"without"*

Page 1, line 13, delete *"to do so"*

Page 1, line 13, delete *"may"* and insert *"shall"*

Page 1, delete lines 14 and 15

Page 1, line 16, delete *"administer"* and insert *"qualifications for, issuance and administration of"*



Page 1, line 16, after the period, insert *"No license shall be issued under this section after the day prior to the opening of the season for taking bear by firearms, and all license agents shall return all stubs and unsold license blanks to the county auditor on the first business day following the first day of the season."*

Page 1, after line 16, insert:

"Sec. 3. Minnesota Statutes 1978, Section 97.48, Subdivision 23, is amended to read:

Subd. 23. If the date of the opening of the season for the taking of any protected wild animals, except those under federal regulations as prescribed by law, falls on any day other than a Saturday, the commissioner of natural resources may designate the nearest Saturday to said date as the opening day of the season. If the statutory closing date falls on a *Thursday, Friday or Saturday*, the commissioner of natural resources may extend it through the following Sunday."

Page 2, after line 19, insert:

"Sec. 6. Minnesota Statutes 1978, Section 98.46, Subdivision 22, is amended to read:

Subd. 22. No deer or , moose , or bear taken in this state shall be transported or possessed unless a tag of a type prescribed by the commissioner bearing the license number of the owner, the year of its issue, and such other information as the commissioner may require has been affixed to its carcass in a manner prescribed by the commissioner. The tag must be so affixed at the time the deer or , moose , or bear is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a motor vehicle of any kind, or upon a conveyance towed by a motor vehicle of any kind. Provided, that deer taken by bow and arrow and moose shall be tagged by a conservation officer or other authorized agent as may be prescribed by the commissioner, in addition to the tag herein provided for.

Sec. 7. Minnesota Statutes 1978, Section 98.47, Subdivision 15, is amended to read:

Subd. 15. A permanent license to take fish shall be issued at the prevailing fee for an individual resident license without charge to any citizen of Minnesota, 16 years of age or older, who is mentally retarded and whose parent or guardian furnishes satisfactory evidence of the disability to the county auditor or a subagent of the county auditor, acting under the provisions of section 98.50.

Sec. 8. Minnesota Statutes 1978, Section 98.47, Subdivision 16, is amended to read:

Subd. 16. A permanent license to take fish shall be issued at the prevailing fee for an individual resident license without charge to any Minnesota veteran as defined in section 197.447, who has a

100 percent service connected disability as defined by the United States veterans administration, and furnishes satisfactory evidence of his disability to the county auditor or a subagent of the county auditor, acting under the provisions of section 98.50.

Sec. 9. Minnesota Statutes, 1979 Supplement, Section 100.27, Subdivision 4, is amended to read:

Subd. 4. Muskrats may be taken for a period not exceeding 60 90 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in the areas of the state, during the times between October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe. Beaver may be taken, by trapping only, in the areas of the state, during the times between October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe.

Sec. 10. Minnesota Statutes 1978, Section 100.29, Subdivision 1, is amended to read:

100.29 [RESTRICTIONS AND PROHIBITIONS.] Subdivision 1. It shall be unlawful to take protected wild animals, except raccoon *and fox*, with the use of a gun or bow and arrows between ~~sunset and one-half hour before sunrise~~ *the evening and morning times established by the commissioner by order*. It shall be unlawful to take pheasants between ~~sunset~~ *the evening time established by the commissioner by order* and 9 a.m.

Sec. 11. Minnesota Statutes 1978, Section 100.29, Subdivision 31, is amended to read:

Subd. 31. *Any person placing bait for bear shall display a tag as prescribed by the commissioner at each site where bait is placed and register the location of the bait in a manner prescribed by the commissioner.* It shall be unlawful to take bear by using solid waste containing bottles, cans, plastic, paper, metal or any other materials that are not readily biodegradable, as a bait or a lure for the purpose of attracting the bear.

Sec. 12. Minnesota Statutes 1978, Section 100.30, is amended to read:

100.30 [POSSESSION, SALE, TRANSPORTATION.] The skins of all fur bearing animals, the hides of *bear*, deer or moose, *the claws of bear*, and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing such seals or tags as may be required by chapters 97 to 102, may be bought, sold, and transported at any time, provided the flesh of animals enumerated herein, except muskrats, shall not be transported outside of the state of Minnesota.

Sec. 13. Minnesota Statutes, 1979 Supplement, Section 101.42, Subdivision 18, is amended to read:

Subd. 18. Except as otherwise specifically permitted, it shall be unlawful *for any person* to have in *his* possession in an automobile

or any vehicle or on ~~their~~ *his* person, or at or near any waters, a spear, trap, net, ~~dip net~~, seine, or any other device capable of taking fish, *except dip nets* which may be possessed between the hours of sunrise and sunset during the period of February 16 to April 30, inclusive, *and* except when acting under permit or contract to trap or seine from the division of fisheries, during the period of February 16 to April 30, inclusive and except that spears, dip nets, bows and arrows, and devices permitted in section 101.51 used for the taking of rough fish may be possessed between the hours of sunrise and sunset after April 30. This subdivision does not apply to nets used in the taking of trout and smelt in season or to seines or traps used for the taking of minnows for bait.

**Sec. 14. [EFFECTIVE DATE.]** *Sections 6, 7, and 8 are effective for the license seasons beginning March 1, 1981. Section 13 is effective March 1, 1981."*

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to game and fish; excluding bears from the definition of furbearing animals; requiring licenses of persons providing guide services for bear hunters; specifying fees; requiring tagging of bears taken in the state; providing for free fishing licenses for certain mentally retarded and disabled residents; extending the muskrat trapping season; changing the times of day during which certain wild animals may be taken; regulating bear baiting; allowing sale of bear hides and claws; allowing possession of dip nets under certain circumstances; amending Minnesota Statutes 1978, Sections 97.40, Subdivision 7; 97.48, Subdivision 23; 98.46, Subdivisions 4, 16 and 22; 98.47, Subdivisions 15 and 16; 100.29, Subdivisions 1 and 31; 100.30; Minnesota Statutes, 1979 Supplement, Sections 100.27, Subdivision 4; and 101.42, Subdivision 18."

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

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

S. F. No. 1534: A bill for an act relating to advertising devices; providing for local regulation of certain devices; requiring compensation for removing certain devices; providing for maintenance of areas; amending Minnesota Statutes 1978, Section 173.08, Subdivision 2; 173.13, Subdivision 1; 173.17; and Chapter 173, by adding a section.

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

Page 1, delete section 1

Page 1, line 24, strike "any" and insert "an"

Page 1, line 24, strike "therefor"

Page 2, line 13, strike "section" and insert "*chapter*"

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

Page 2, line 18, strike "thereto" and insert "*to advertising devices*"

Page 2, line 19, strike "section 173.16" and insert "*this chapter*"

Page 2, line 20, strike "thereto, provided that" and insert "*to this chapter if those*"

Page 2, line 21, strike "such"

Page 2, line 22, strike "any such" and insert "*the*"

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

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

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

Page 2, line 28, strike "prior" and insert "*before*"

Page 2, line 29, before "its" strike "to"

Page 2, line 30, strike "thereon"

Page 2, line 31, strike "therefor" and insert "*for the advertising devices*"

Page 3, line 1, strike "such" and insert "*the*"

Page 3, line 2, strike "Provided,"

Page 3, line 3, strike "however, that"

Page 3, line 8, strike "such" and insert "*the*"

Page 3, line 10, strike "herein" and insert "*under this section*"

Page 3, line 11, strike "thereto" and insert "*to the compensation*"

Page 3, line 16, strike "same" and insert "*advertising device*"

Page 3, line 18, strike "herein" and insert "*under this section*"

Page 3, line 19, strike "; provided" and insert a period

Page 3, line 20, strike "that"

Page 3, line 20, strike "said" and insert "*the*"

Page 3, line 25, after the period, insert:

"(4)"

Page 3, line 28, after "and" insert "*properly*"

Page 3, line 29, delete "*good repair*" and insert "*excellent condition*"

Page 4, line 17, delete "or"

Page 4, line 18, delete "*maintaining*"

Page 4, line 18, after the comma insert "*unreasonably*"

Page 4, line 18, delete "*or in any way*"

Page 4, line 19, delete "*interfere with the effectiveness*"

Page 4, after line 20, insert:

"Sec. 4. *Minnesota Statutes 1978, Section 173.08, Subdivision 2, is repealed.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "Section 173.08," and insert "Sections"

Page 1, line 7, delete "Subdivision 2;"

Page 1, line 8, after "section" insert "; repealing Minnesota Statutes 1978, Section 173.08, Subdivision 2"

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

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

S. F. No. 1641: A bill for an act relating to drivers licenses; increasing the fees for renewal of motorized bicycle operator permits and fees for drivers licenses; establishing a fee for the Minnesota identification card; providing for uniform application fees; amending Minnesota Statutes 1978, Sections 171.06, Subdivisions 1, 2, and 4; 171.07, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Section 171.02, Subdivision 3.

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

Page 1, line 16, strike "any" and insert "a" in both instances

Page 1, line 20, strike "any" and insert "a"

Page 2, line 13, strike "Every" and insert "An"

Page 2, line 16, strike "All" and "applications"

Page 2, line 17, before "shall" insert "An application"

Page 2, line 19, strike "applications" and insert "application"

Page 3, line 4, strike "Any" and insert "An"

Page 3, line 15, strike "all"

Page 3, line 25, strike "all" and insert "the"

Page 3, line 25, strike "herein"

Page 3, line 27, strike "clerks" and insert "clerk"

Page 3, line 28, strike "courts" and insert "*court*"

Page 3, line 29, strike "clerks" and insert "*clerk*"

Page 3, line 29, strike "every" and insert "*an*"

Page 3, line 31, strike "him" and insert "*the agent*"

Page 3, line 33, strike "his"

Page 4, line 1, strike "clerks" and insert "*clerk*"

Page 4, line 2, after "of" insert "*the*"

Page 4, line 2, after "agents" insert "*so*"

Page 4, line 2, strike "by"

Page 4, line 3, strike "them"

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

Page 4, line 4, after the stricken word "such" insert "*the*"

Page 4, line 5, strike "themselves" and insert "*the clerk*"

Page 4, line 11, strike "every" and insert "*an*"

Page 4, line 12, strike "any" and insert "*a*"

Page 4, line 17, strike "thereon" and insert "*a colored photograph,*"

Page 4, line 23, strike "Each" and insert "*A*"

Page 4, line 26, strike "any" and insert "*a*"

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

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

S. F. No. 1993: A bill for an act relating to economic development; requiring that a majority of the members of the iron range resources and rehabilitation board represent legislative districts containing taconite tax relief areas; amending Minnesota Statutes 1978, Section 298.22, Subdivision 2.

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

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

S. F. No. 2085: A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state and university employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil ser-

vice laws; providing for health benefits; providing for a study of promotional systems; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.111; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivision 7; 179.6, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivisions 1, 2, and 3, and by adding a subdivision; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.067, Subdivision 1; 43.19, Subdivision 1; 43.50, Subdivision 1; 43.51; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Section 114; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; and 179.69, Subdivisions 4, 5, and 6; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7.

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, 1979 Supplement, Section 3.855, is amended to read:

3.855 [LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS.] Subdivision 1. [ESTABLISHMENT.] There is created the legislative commission on employee relations. The commission shall consist of six members of the senate and six members of the house of representatives. The senate members shall include the majority leader of the majority caucus of the senate, the minority leader of the minority caucus of the senate, the chairman of the governmental operations committee, the chairman of the finance committee, the chairman of the tax committee on taxes and tax laws, and an additional member designated by the minority leader, or their designees of the minority caucus. The house members shall include the speaker, the minority leader of the minority caucus of the house, the chairman of the governmental operations committee, the chairman of the appropriations committee, the chairman of the tax taxes committee, and an additional member designated by the minority leader, or their designees of the minority caucus. In the event that the membership of the house is evenly divided, the house members shall be selected pursuant to the rules of the house. Any member of the commission may resign by providing notice to the chairman. In the event of a resignation by a member of the: (1) senate, a replacement shall be selected from among the members of the senate by the committee on rules and administration; (2) house, a replacement shall be selected from among the members of the house pursuant to house rules. The commission shall elect its own officers who shall serve for terms of two years. The chairmanship of the commission shall alternate between a member of the Senate and a member of the house.

Subd. 2. [STATE EMPLOYEE NEGOTIATIONS.] Prior to the commencement of *formal* collective bargaining activities with state employees, the commission shall conduct hearings at which ~~public employees~~, *exclusive* representatives of public employees and the commissioner of ~~personnel employee relations~~ shall be allowed to testify as to their *beginning initial* negotiating positions. The commissioner of ~~personnel employee relations~~ shall regularly advise the commission on the progress of collective bargaining activities with state employees pursuant to the state public employee labor relations act. *During the course of the negotiations*, the commission may make recommendations to the commissioner as it deems appropriate *but no recommendation shall impose any obligation or grant any right or privilege to the parties*. The commissioner shall submit to the chairman of the commission any negotiated agreements or arbitration awards ~~which the commissioner has approved within five days of the making thereof~~. *Approved negotiated agreements shall be submitted within five days of the date of approval by the commissioner or the date of approval by the affected state employees whichever occurs later*. Arbitration awards shall be submitted within five days of their receipt by the commissioner. If the commission disapproves of any agreement or award, the commission shall specify in writing to the parties those portions with which it disagrees and the reasons therefor. ~~Upon receipt of the notice of disapproval from the commission, the commissioner of personnel will reopen the negotiations~~. If the commission approves of an agreement or award, it shall cause the matter to be submitted to the legislature to be accepted or rejected pursuant to section 179.74. Failure of the commission to disapprove ~~of affected portions~~ of an agreement or award within 30 days of its receipt shall be deemed approval. Approval or disapproval by the commission shall not be binding on the entire legislature.

*After adjournment of the legislature in an odd numbered year, the commission may give interim approval to a negotiated agreement or arbitration award. It shall submit the negotiated agreement or arbitration award to the entire legislature for ratification as provided in section 179.74, subdivision 5.*

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

(a) *Review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations pursuant to section 10 covering all state employees not represented by an exclusive bargaining representative and whose compensation is not otherwise established by law;*

(b) *Continually monitor the state's civil service system, as provided for in chapter 43, rules of the commissioner of employee relations and the collective bargaining process, as provided for in sections 179.61 to 179.76, as applied to state employees;*

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



~~(e)~~ (d) Adopt rules not inconsistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and

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

Sec. 2. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.0001] *The name of the department of personnel is changed to the department of employee relations. The name of the commissioner of personnel is changed to the commissioner of employee relations. Subject to applicable laws, the department of employee relations, with its commissioner and officers, shall continue to exercise all the powers and duties vested in or imposed upon the department and commissioner of personnel immediately prior to the effective date of this section.*

Sec. 3. Minnesota Statutes 1978, Section 43.001, is amended to read:

43.001 [DEPARTMENT OF EMPLOYEE RELATIONS; CREATION.] Subdivision 1. The department of ~~personnel employee relations~~ is hereby created under the control and supervision of a commissioner of ~~personnel employee relations~~, which office is hereby established.

Subd. 2. The commissioner of ~~personnel employee relations~~ is appointed by the governor under the provisions of section 15.06. He shall have broad experience in a managerial position including about five years as an executive personnel manager in one or more organizations essentially similar in complexity to state government. The commissioner shall be knowledgeable in executive personnel management and shall have background in labor relations.

Subd. 3. The commissioner may appoint one deputy commissioner and a confidential secretary, each of whom ~~who~~ shall serve at the pleasure of the commissioner in the unclassified service.

Subd. 4. Subject to the provisions of Laws 1978, Chapter 507 and to other applicable laws governing a state department or agency, the commissioner shall organize the department and employ such other officers, employees, and agents as he may deem necessary to discharge the functions of his the department, define the duties of such these officers, employees, and agents and to delegate to them any of his powers, duties, and responsibilities subject to his the commissioner's control and under such conditions as he the commissioner may prescribe. Personnel employed pursuant to this subdivision are in the classified service of the state civil service.

Subd. 5. The department of employee relations shall be organized into two divisions: the division of personnel and the division of labor relations. Each division shall be under the immediate charge of a deputy commissioner.

*Subd. 6. The deputy commissioner for the division of personnel shall be appointed by and serve at the pleasure of the commissioner, and shall be in the unclassified service of the state. The deputy commissioner for the division of labor relations shall be appointed by and serve at the pleasure of the governor. The deputy commissioner for the division of labor relations shall have extensive background in labor relations and shall have experience in dealing with contracts similar in complexity to those negotiated between the state and exclusive representatives of state employees.*

*Subd. 7. Each division of the department of employee relations shall be responsible for administering the duties and functions that are assigned to it by law and by the commissioner of employee relations. Insofar as the duties of the divisions are not mandated by law, the commissioner may establish and revise the assignments of either division.*

*Subd. 8. The division of labor relations shall perform the duties assigned to the commissioner of employee relations by sections 3.855, 43.05, subdivision 3 and chapter 179.*

*The deputy commissioner for the division of labor relations shall be the chief state labor negotiator for purposes of negotiating and administering agreements with exclusive representatives of state employees.*

*Subd. 9. The division of personnel shall perform the duties assigned to the commissioner by section 43.05, subdivision 2, and shall perform other duties which the commissioner assigns to the division.*

**Sec. 4. Minnesota Statutes 1978, Section 43.01, Subdivision 8, is amended to read:**

**Subd. 8. [COMMISSIONER.] "Commissioner" means the commissioner of ~~personnel~~ employee relations.**

**Sec. 5. Minnesota Statutes, 1979 Supplement, Section 43.05, Subdivision 2, is amended to read:**

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

**(1) Attend all meetings of the board;**

**(2) Promulgate personnel rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; leaves of absence with and without pay; transfers, and reinstatements; layoffs, vacations, and hours of work; public notice of examinations; ~~procedure for changes in~~**

rates of pay; compulsory retirement at fixed ages; and other conditions of employment. If a rule is made concerning sick leave for illness in the immediate family of an employee, the term "immediate family" shall be limited to the spouse, minor or dependent children, or parent where the parent has no other person to provide the necessary nursing care, living in the household of the employee;

(3) Operate an information system from which data can be retrieved concerning employees in agencies under his jurisdiction showing their employment histories including the date of appointment, demotion, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, and separations from the service; and the commissioner shall have access to all public and private personnel data kept by an appointing authority, the examination of which will aid in the discharge of his duties;

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

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

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

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 1978, Section 43.05, is amended by adding a subdivision to read:

*Subd. 3. The commissioner, through the division of labor relations, shall:*

*(a) Represent the state at hearings conducted by the director of the bureau of mediation services relating to state employees;*

*(b) Represent the state in all collective bargaining between the state and exclusive representatives, and represent the state in mediation and arbitration of collective bargaining disputes;*

*(c) Report to the legislative commission on employee relations pursuant to section 3.855;*

*(d) Be responsible for state management interpretation of all contracts between the state and exclusive representatives and provide state management personnel with training in the interpretation and application of these contracts;*

*(e) Oversee the administration of all written grievances arising under contracts between the state and an exclusive representative. The commissioner shall establish procedures which appointing authorities shall follow to enable the commissioner to monitor the grievance procedure at all steps;*

*(f) Have final authority to decide if a grievance shall be submitted to arbitration or if it shall be settled without arbitration;*

*(g) Represent the state at all grievance arbitrations;*

*(h) Collect and analyze all information necessary to carry out the responsibilities of this subdivision.*

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 43.067, Subdivision 1, is amended to read:

43.067 [SALARY LIMITS.] Subdivision 1. [AGENCY HEADS AND DEPUTIES.] The base salary of the head of any state department or other agency in the executive branch shall serve as the upper limit of compensation in the agency. ~~The base salary of the chancellor of the state university system is the upper limit of compensation of state university presidents. The base salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. Within the agency, no person other than the agency head shall be paid more than the base salary that is or would be paid a deputy agency head pursuant to section 15A.081 whether or not there is a deputy agency head position for that agency.~~

Sec. 8. Minnesota Statutes 1978, Section 43.111, is amended to read:

43.111 [POLICY.] It is the public policy of the state of Minnesota that an efficient and well trained work force be maintained to carry out the work ordained by the legislature. It is further directed that modern methods of selection, training and salary administration be established and maintained. The standards of selection shall be of such a nature as to be based on merit and provide

for the proper level of preparation and experience. Recognizing the cost of excessive employee turnover, it is directed that priority be given to the maintenance of a steady work force. To this end, training, by way of in-service programs and stipend allowances shall be encouraged. It is also established as the policy of the state of Minnesota that employees be paid a total compensation which is competitive with that paid for like positions in other private and public employment. Proper attention ~~will also~~ shall be given to equitable internal pay compensation relationships between related job classes and among the various levels within the same job family or department, *with the understanding that the collective bargaining relationship between the state and its employees established through the provisions of chapter 179 must take precedence.* Continuing analysis of pay rates ~~and~~, supplementary pay practices ~~shall be carried on,~~ as well as ~~and~~ analyses of jobs to determine comparability of job content ~~shall be carried on.~~

Sec. 9. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.112] [COMPENSATION, TERMS, AND CONDITIONS OF EMPLOYMENT.] *Subdivision 1. [REPRESENTED EMPLOYEES.] To the extent they are lawfully covered by a written agreement or arbitration award, the compensation, terms and conditions of employment for all state employees represented by an exclusive representative certified pursuant to chapter 179 shall be governed by the written agreement or award executed by the parties and approved by the legislature.*

*Subd. 2. [NON-REPRESENTED EMPLOYEES.] The compensation, terms and conditions of employment of all state employees not represented by an exclusive representative certified pursuant to chapter 179 shall be solely governed by statute, rule and the plan developed by the commissioner and approved by the legislature pursuant to sections 3.855 and 179.74, subdivision 5, and section 10.*

*Subd. 3. [MERIT SYSTEM TO CONTROL.] The provisions of chapter 43 governing the recruitment and selection of state employees on the basis of their relative ability, knowledge and skills, including sections 43.111, 43.13 to 43.15, 43.17, 43.18, subdivisions 1 to 3, 43.19, subdivisions 2 and 3, 43.20, 43.21 and 43.30, shall not be modified, waived or abridged by any contract executed by the state pursuant to chapter 179.*

Sec. 10. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.113] [PLAN FOR COMPENSATION, TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-REPRESENTED EMPLOYEES.] *Subdivision 1. The commissioner of employee relations shall periodically submit to the legislative commission on employee relations a plan to govern the compensation, terms and conditions of employment for all state employees not represented by an exclusive representative certified pursuant to chapter 179 or*

*whose compensation is not otherwise provided for by law. The commission shall review the plan and submit it to the legislature along with any recommendations it deems appropriate. The plan need not be adopted in accordance with the rulemaking provisions of chapter 15. The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to a plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179.74, subdivision 5.*

*Subd. 2. In establishing and recommending compensation for any position within the plan, the commissioner of employee relations shall assure that:*

*(1) Compensations in the classified and unclassified service bear equitable relationships to one another;*

*(2) Compensation for state positions bears equitable relationships to compensation for similar positions outside state service; and*

*(3) Compensation for management positions bears equitable relationships to compensation of represented employees managed.*

*Compensations bear equitable relationships to one another within the meaning of this subdivision if compensation for positions which require comparable knowledge, abilities, duties, responsibilities and accountabilities are comparable and if compensation for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities are proportional to the knowledge, abilities, duties and responsibilities required.*

**Sec. 11. Minnesota Statutes, 1979 Supplement, Section 43.19, Subdivision 1, is amended to read:**

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

(2) The commissioner may authorize the appointing authority of any state agency to promote any employee in that agency to a

higher class provided his position has been reallocated as the result of gradual changes in the job which have occurred over a period of time and he has performed satisfactorily in the position.

*(3) On or before January 1, 1981, the commissioner shall submit a report to the legislative commission on employee relations recommending methods of improving the state's efforts to insure equal employment opportunity pursuant to section 43.15. The report shall include recommendations with respect to both hiring and promotions along with an analysis of the effects of seniority requirements on promotional practices.*

Sec. 12. Minnesota Statutes 1978, Section 43.245, is amended to read:

**43.245 [PERFORMANCE APPRAISAL SYSTEM.]** The commissioner shall design and implement an employee performance appraisal system for the classified *and unclassified* service. This system shall be based on uniform position description and results oriented performance standards formats. The commissioner, in consultation with the departments, shall develop criteria and content as necessary so long as the system is uniform for all departments. The commissioner shall establish and enforce rules with respect to the utilization of the results of this performance appraisal system in all decisions relating to the status of employees. ~~The commissioner may further by rule prescribe the extent to which these reports shall be open to inspection by the public and by the affected employee.~~ Each employee in the classified and unclassified service in the executive branch shall be evaluated and counseled at least once a year on his work performance. Individual pay increases for all state employees not represented by an exclusive representative certified pursuant to chapter 179 shall be based on ~~such~~ the evaluation and other factors the commissioner includes, and the legislature approves, in the plan developed pursuant to section 10. Written agreements negotiated pursuant to chapter 179 may, and are encouraged to, provide for pay increases based on employee performance.

Sec. 13. Minnesota Statutes 1978, Section 43.321, is amended to read:

**43.321 [GRIEVANCE PROCEDURE.]** The commissioner shall promulgate by ~~personnel~~ rule procedures relating to grievances of any state officer or employee in the executive branch and provide the circumstances under which the grievance procedure is available, except that no state employee may avail himself of more than one grievance procedure on any one complaint or use the procedure set forth in the rule if he is a member of a bargaining unit that has by agreement negotiated pursuant to chapter 179 provided for methods and procedures to resolve that type of grievance.

Sec. 14. Minnesota Statutes 1978, Section 43.45, is amended to read:

**43.45 [CONTRACTING AUTHORITY.]** Subdivision 1. The commissioner is authorized to request bids from carriers or to

negotiate with carriers and to enter into contracts with carriers which in the sole judgment of the commissioner are best qualified to underwrite and service the benefit plans. The commissioner shall consider such factors such as the cost and conversion options relating to the contracts as well as the service capabilities, character, financial position, and reputation with respect to such of the carriers and any other factors which the commissioner may deem *deems* appropriate. Each such benefit contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. *Effective October 1, 1980, the commissioner shall, to the extent feasible, make basic hospital and medical benefits available from at least three carriers at least one each of whom shall be licensed to do business pursuant to chapters 62A, 62C and 62D. The commissioner may elect not to offer all three types of carriers if there are no bids or no acceptable bids by that type of carrier or if the offering of additional carriers would result in excessive additional administrative costs. Any carrier licensed pursuant to chapter 62A shall be exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.*

Subd. 2. Each contract under sections 43.42 to 43.49 shall contain a detailed statement of benefits offered and shall include ~~such~~ any maximums, limitations, exclusions, and other definitions of benefits as the commissioner may deem necessary or desirable. *Each contract shall provide benefits at least equal to those required by section 62E.06, subdivision 2.*

Subd. 3. The commissioner shall make available, through ~~such~~ any carriers as ~~it~~ the commissioner may authorize, as many optional coverages as ~~it~~ *deems* ~~deemed~~ feasible and advantageous to eligible state employees and their dependents which ~~said~~ the employees may pay for at their own expense ~~to be paid for~~ through payroll deductions.

Subd. 4. *The commissioner shall appoint and serve as chairman of an insurance advisory council consisting of thirteen members. Two members shall be selected from names submitted by exclusive representatives of state employees. One member shall be selected from names submitted by exclusive representatives of employees of the University of Minnesota. One member shall be selected from names submitted by organizations representing retired state employees. One member shall be selected from names submitted by the regents of the University of Minnesota. Two members shall be selected from names submitted by carriers. The commissioners of administration, insurance, health and finance, and the deputy commissioner for labor relations or their designees, shall serve as the other members. Except as provided in this section, the provisions of section 15.059 shall apply to the members of the council. The council shall advise the commissioner in the selection of carriers and the implementation of collective bargaining agreements. Evidence of discussions, recommendations or decisions by the council shall not be submitted to any court or arbitrator in any matter involving state or University of Minnesota employees.*



Sec. 15. Minnesota Statutes 1978, Section 43.46, is amended to read:

**43.46 [CONTRIBUTIONS BY STATE.]** *Subdivision 1. The total contribution by the state for each state employee under sections 43.42 to 43.49 and for dependents of state employees shall be otherwise prescribed by law and which, rule, a plan prepared pursuant to section 10, or a collective bargaining agreement or arbitration award. The contribution shall be applied to provide basic hospital benefits, basic medical benefits, basic dental benefits, an annual health evaluation and screening program and basic life insurance of such in amounts as may be determined from time to time by the commissioner or in a collective bargaining agreement or arbitration award.*

*Subd. 2. [EMPLOYEE COVERAGE.] The amount of premium paid by the state for represented employees for state employees' basic hospital benefits, basic medical benefits and basic dental benefits coverage shall be negotiated between the state and exclusive representatives of state employees. Except as provided in this subdivision, the amount paid for each state employee's coverage shall be uniform for all employees in the same bargaining unit. Employees who select a carrier whose premium is in excess of the state payment shall be required to pay the difference. Employees who select a carrier whose premium is less than the state payment shall be given the option of using the difference to obtain benefits in addition to the standard negotiated packages or being paid the difference as additional compensation.*

*Subd. 3. [DEPENDENT COVERAGE.] The amount of premium paid by the state for state employees' dependents' basic hospital benefits, basic medical benefits and basic dental benefits coverage shall be negotiated between the state and exclusive representatives of state employees. Except as provided in this subdivision, the amount paid for each state employee's dependent coverage shall be uniform for all employees in the same bargaining unit. Employees who select a carrier whose premium is in excess of the state payment shall be required to pay the difference. Employees who select a carrier whose premium is less than the state payment shall be given the option of using the difference to obtain benefits in addition to the standard negotiated packages or being paid the difference as additional compensation.*

*Subd. 4. [UNREPRESENTED EMPLOYEES.] The commissioner shall establish the level of state payment of premiums paid by the state for all state employees who do not have an exclusive representative and for their dependents. The levels of payment shall be included in the plan prepared pursuant to section 10. Payments shall be made in the manner provided for in subdivisions 2 and 3.*

Sec. 16. Minnesota Statutes, 1979 Supplement, Section 43.50. Subdivision 1, is amended to read:

**43.50 [PAYMENT OF PREMIUMS.]** *Subdivision 1. Each department of the state government shall pay the amounts due for*

basic life insurance, basic dental insurance, and basic *hospital benefits and basic health medical* benefits coverage authorized for eligible state employees as provided by this chapter *and in contracts with exclusive representatives of state employees*. Effective July 1, 1970, each department of the state government shall contribute up to \$64 per year toward the cost of the approved annual health evaluation and screening program for each eligible employee who elects to participate and who elects health insurance coverage under Blue Cross and Blue Shield of Minnesota. Eligible employees who elect coverage under a health maintenance organization shall only be eligible to receive this benefit if the health maintenance organization in which the employee is enrolled does not make available without additional cost, on an annual basis, the tests performed for state employees by the approved program.

Additionally, and notwithstanding any law to the contrary, effective the first day of the first payroll period commencing on or after July 1, 1970, each department of the state government shall contribute up to \$60 per month or 90 percent of the cost, whichever is greater, toward the cost of dependent hospital-medical insurance coverage premiums for their eligible employees who have eligible dependents. Each department shall also contribute one-half the difference between single and family dental coverage per month for all eligible employees carrying dependent dental insurance coverage. To enable employees to receive benefit from this provision, open enrollment periods from August 15 through September 30, 1970 and from August 15 through September 30, 1980, are established. During open enrollment periods employees may enroll their dependents in dental coverage and hospital-medical coverage without proof of insurability. Effective January 1, 1981, The changed benefits provided in this section shall apply to eligible members of the legislature and their eligible dependents *when they become eligible for the benefits*. Each of the departments shall pay ~~such~~ the amounts from accounts and funds from which the department receives its revenues, including appropriations from the general fund and from any other fund, now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations pursuant to this section, he may require certifications in connection therewith as he may deem necessary from any state agency, the Minnesota historical society, or the University of Minnesota whose employees receive benefits pursuant to this chapter. The accounts and funds referred to from which departments receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

Sec. 17. Minnesota Statutes, 1979 Supplement, Section 62D.22, Subdivision 7, is amended to read:

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

sonable restrictions applied to all carriers. *The commissioner of employee relations may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 500 employees in the preceding benefit year.*

Sec. 18. Minnesota Statutes 1978, Section 179.63, Subdivision 8, is amended to read:

Subd. 8. "Confidential employee" means any employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in meeting and negotiating or who actively participates in the meeting and negotiating on behalf of the public employer. *Provided that when the reference is to executive branch employees of the state of Minnesota "confidential employee" means any employee who has access to information subject to use by the public employer in meeting and negotiating or who actively participates in the meeting and negotiating on behalf of the public employer.*

Sec. 19. Minnesota Statutes, 1979 Supplement, Section 179.63, Subdivision 11, is amended to read:

Subd. 11. "Essential employee" means firefighters, ~~police peace officers subject to licensure pursuant to sections 626.84 to 626.855, highway patrolmen, guards at correctional institutions facilities, and employees of hospitals other than state hospitals and registered nurses, as defined in section 148.171, engaged in the practice of professional nursing and employed in a state hospital or state nursing home ; provided that with respect to state employees,~~ "essential employee" means all employees in the law enforcement, health care professional, correctional guards and supervisory collective bargaining units and no other employees. The term "firefighters" means all full time fire department personnel who are members of either the public employees police and fire fund or a local firefighters' relief association subject to the provisions of Minnesota Statutes, Section 69.77.

Sec. 20. Minnesota Statutes 1978, Section 179.64, is amended by adding a subdivision to read:

Subd. 1a. [STRIKES AUTHORIZED.] (a) Nonstate public employees, other than confidential, essential, and supervisory employees, principals, and assistant principals may strike at any time after the scheduled expiration date of a written contract if no new agreement or arbitration award is in effect. (b) Nonessential state employees may strike at any time after the scheduled expiration date of a written contract if (1) there is no new agreement or arbitration award in effect, (2) the legislative commission on employee relations has not given interim approval to a negotiated agreement or arbitration award pursuant to section 179.74, subdivision 5, within 30 days after its receipt, or (3) the entire legislature rejects or fails to ratify a negotiated agreement or arbitration award, which has been approved by the legislative commission on employee relations, at a special legislative session called to consider it or at its next regular legislative session, whichever occurs first.

*(c) No strike may commence until the expiration of a ten day prior written notification by the exclusive representative to the public employer and the bureau of mediation services of the intent to strike. If more than 30 days have expired after a notice of intent to strike, a new ten day prior written notification of intent to strike shall be required. Except as authorized in this subdivision, all strikes by public employees shall be illegal.*

Sec. 21. Minnesota Statutes 1978, Section 179.64, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding any other provision of law, any public employee who ~~violates strikes in violation of~~ the provisions of this section may have his appointment or employment terminated by the employer effective the date the violation first occurs. ~~Such~~ The termination shall be effective ~~upon made by serving written notice served~~ upon the employee. Service may be made by certified mail.

Sec. 22. Minnesota Statutes 1978, Section 179.64, Subdivision 3, is amended to read:

Subd. 3. For purposes of this subdivision an employee who is absent from any portion of his work assignment without permission, or who abstains wholly or in part from the full performance of his duties without permission from his employer on the date or dates when a strike *not authorized by this section* occurs is prima facie presumed to have engaged in ~~a an illegal strike on such~~ the date or dates involved.

Sec. 23. Minnesota Statutes 1978, Section 179.64, Subdivision 4, is amended to read:

Subd. 4. A public employee who knowingly ~~violates participates in a strike in violation of~~ the provisions of this section and whose employment has been terminated pursuant to this section, may, ~~subsequent to such violation, subsequently~~ be appointed or reappointed, employed or reemployed, but the employee shall be on probation for two years with respect to ~~such the~~ civil service status, tenure of employment, or contract of employment, ~~as to which he may have theretofore been was previously~~ entitled.

No employee shall be entitled to any daily pay, wages, *reimbursement of expenses*, or per diem for the days on which he engaged in a strike.

Sec. 24. Minnesota Statutes 1978, Section 179.64, Subdivision 5, is amended to read:

Subd. 5. Any public employee, ~~upon request,~~ shall be entitled, ~~as hereinafter provided, to request the opportunity~~ to establish that he did not violate the provisions of this section. ~~Such~~ The request ~~must~~ shall be filed in writing with the officer or body having the power to remove ~~such the~~ employee, within ten days after notice of termination is served upon him; ~~whereupon such.~~ The employing officer, or body, shall within ten days commence a

proceeding at which ~~such person~~ *the employee* shall be entitled to be heard for the purpose of determining whether the provisions of this section have been violated by ~~such the~~ public employee; ~~and~~. If there ~~be~~ *are contractual grievance procedures, laws and regulations or rules* establishing proceedings to remove ~~such the~~ public employee, the hearing shall be conducted in accordance ~~therewith~~ *with whichever procedure the employee elects provided that such election shall be binding and shall terminate any right to the alternative procedures.* The ~~proceedings may upon application to the court by an employer, an employee, or the employee organization and may apply to district court for the issuance of an appropriate order by the court to include more than one employee's employment status in the same proceeding if the employees' defenses are identical, analogous or reasonably similar.~~ *Such* ~~The~~ proceedings shall be undertaken without unnecessary delay. Any ~~person whose termination is sustained in the administrative or grievance proceeding may secure a review of his removal by serving a notice so requesting of appeal upon the employer removing him within 20 days after the results of the hearing referred to herein have been announced.~~ *This notice, with proof of service thereof, shall be filed within ten days after service, with the clerk of the district court in the county where the employer has its principal office or in the county where the employee last was employed by the employer. The district court shall thereupon have jurisdiction to review the matter in the same manner as on appeal from administrative orders and decisions. This hearing shall take precedence over all matters before the court and may be held upon ten days written notice by either party. The court shall make such order in the premises as is it deems proper; and. An employer may obtain review of a decision to reinstate an employee in the same manner as provided for appeals by employees in this subdivision. An appeal may be taken therefrom from the district court order to the supreme court.*

Sec. 25. Minnesota Statutes, 1979 Supplement, Section 179.65, Subdivision 6, is amended to read:

Subd. 6. Supervisory and confidential employees, principals and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment, in accordance with all other provisions of sections 179.61 to 179.76, as though they were essential employees. ~~Units of Supervisory or confidential employees employee organizations shall not participate in any capacity in any joint negotiations which involve the participation of units of employees other than supervisory or confidential employees. Affiliation of a supervisory or confidential employee organization with another employee organization which has as its members non-supervisory employees or non-confidential employees is permitted.~~

Sec. 26. Minnesota Statutes 1978, Section 179.67, Subdivision 4, is amended to read:

Subd. 4. Any employee organization may obtain a certification election upon petition to the director wherein it is stated that at least 30 percent of the employees of a proposed employee unit wish to be represented by the petitioner ~~or that the certified representative no longer represents the majority of employees in the unit.~~ Any employee organization may obtain a representation election upon petition to the director wherein it is stated that the currently certified representative no longer represents the majority of employees in an established unit and that at least 30 percent of the employees in the established unit wish to be represented by the petitioner rather than by the currently certified representative. An individual employee or group of employees in a unit may obtain a decertification election upon petition to the director wherein it is stated that the certified representative no longer represents the majority of the employees in an established unit and that at least 30 percent of the employees wish to be unrepresented.

Sec. 27. Minnesota Statutes 1978, Section 179.69, Subdivision 1, is amended to read:

179.69 [PROCEDURES.] Subdivision 1. [MEDIATION PETITION.] When any employees or representative of employees shall desire to meet and negotiate an agreement establishing terms and conditions of employment, they shall give written notice to the employer and the director, and it shall thereupon be the duty of the employer to recognize the employee representative for purposes of reaching agreement on terms and conditions of employment of the employees or the employer shall within ten days of receipt of the written notice object or refuse to recognize the employees' representative or the employees as an appropriate unit. The employer or employees' representative may thereupon petition the director to take jurisdiction of the matter whereupon the director shall then be authorized and shall perform those duties as provided in section 179.71, subdivision 2(a) and (b).

Upon the certified exclusive representative and the employer reaching agreement on terms and conditions of employment or *being subject to a valid arbitration award*, they shall execute a written contract or memorandum of contract containing the terms of ~~such the negotiated agreement or arbitration award~~. The contracts or memoranda shall in every instance be subject to the provisions of section 179.70.

A petition by an employer shall be signed by him or his duly authorized officer or agent; and a petition by an exclusive representative shall be signed by its authorized officer. In either case the petition shall be served by delivering it to the director in person or by sending it by certified mail addressed to him at his office. The petition shall state briefly the nature of the disagreement of the parties. Upon receipt of a petition, the director, ~~or by September 1, whichever date is earlier~~ shall fix a time and place for a conference with the parties to *negotiate the matter upon the issues involved not agreed upon* in the matter, and he shall then take whatever steps he deems most expedient to bring about a

settlement of the matter, including assisting in negotiating and drafting an agreement. It shall be the duty of all parties to respond to the summons of the director for joint or several conferences with him and to continue in such conference until excused by the director.

Sec. 28. Minnesota Statutes 1978, Section 179.69, Subdivision 3, is amended to read:

Subd. 3. [BINDING ARBITRATION PETITION.] The director shall only certify a matter to the board *for binding arbitration pursuant to section 179.72 when either or both parties, except for in the case of essential employees, jointly petition for binding arbitration stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 would serve no purpose.* Upon such *the filing of the* petition and determination by the mediator, the parties shall each submit their respective final positions on matters not agreed upon. If the employer has petitioned for binding arbitration and the director has determined that an impasse has been reached said proceedings shall begin within 15 days thereof and be binding on both parties. The director shall determine the matters not agreed upon based upon *the positions submitted and* his efforts to mediate the dispute. If the employee representative has petitioned for binding arbitration the employer shall have 15 days after the director of mediation has determined that an impasse has been reached to reject the request or agree to submit matters not agreed upon to binding arbitration. If the employer does not respond within 15 days it shall be regarded as a rejection and said rejection shall be a refusal by the employer within the meaning of section 179.64, subdivision 7. Under a petition by either party the parties may stipulate those agreed upon items to be excluded from arbitration.

Sec. 29. Minnesota Statutes 1978, Section 179.71, Subdivision 3, is amended to read:

Subd. 3. The director shall determine appropriate units, *except where appropriate units are defined by section 35.* In determining the appropriate unit he shall take into consideration, along with other relevant factors, the principles and the coverage of uniform comprehensive position classification and compensation plans of the employees, involvement of professions and skilled crafts and other occupational classifications, relevant administrative and supervisory levels of authority, geographical location, and the recommendation of the parties, and shall place particular importance upon the history and extent of organization and the desires of the petitioning employee representatives.

In addition, with regard to the inclusion or exclusion of supervisory employees, the director must find that an employee may perform or effectively recommend a majority of those functions referred to in section 179.63, subdivisions 9 or 9a, before an employee may be excluded as supervisory. However, in every case the administrative head, and his assistant, of a municipality, municipal utility, police or fire department shall be considered a supervisory employee.

He shall not designate an appropriate unit which includes employees subject to section 179.63, subdivision 11, with employees not included in section 179.63, subdivision 11.

Sec. 30. Minnesota Statutes 1978, Section 179.71, Subdivision 5, is amended to read:

Subd. 5. In addition to all other duties imposed by this section, the director shall:

(a) ~~retain~~ provide mediation jurisdiction over services as requested by the parties for purposes of this subdivision until such time as the parties reach agreement; provided, however, he may continue to assist parties after the parties have submitted their final positions as provided or required under section 179.72, subdivision 6; or section 179.69, ~~subdivision 6~~;

(b) issue notices, subpoenas and orders as may be required by law to carry out his duties under sections 179.61 to 179.77. Issuance of orders shall include those orders of the Minnesota public employment relations board;

(c) certify to the Minnesota public employment relations board those items of dispute between parties to be subject to the action of the Minnesota public employment relations board under section 179.69, subdivision 3;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the director or the board;

(e) certify the final results of any election or other voting procedure conducted pursuant to sections 179.61 to 179.77;

(f) furnish clerical and administrative services to the Minnesota public employment relations board as may be required;

(g) adopt reasonable and proper rules and regulations relative to and regulating the forms of petitions, notices, orders and the conduct of hearings and elections subject to final approval of the Minnesota public employment relations board. ~~Such~~ The rules and regulations shall be printed and made available to the public and a copy delivered with each notice of hearing; provided, that every such any rule or regulation shall be filed with the secretary of state, and any change therein or additions thereto shall not take effect until 20 days after such the filing;

(h) receive, catalogue and file in a logical manner all orders and decisions of the Minnesota public employment relations board and all arbitration panels authorized by sections 179.61 to 179.77 as well as all grievance arbitration decisions and the director's own orders and decisions. All orders and decisions catalogued and filed shall be made readily available to the public;

(i) promulgate a grievance procedure to effectuate the purposes of section 179.70, subdivision 1. ~~Such~~ The grievance procedures procedure shall not provide for the services of the bureau of mediation service. The exercise of authority granted by this clause shall be subject to the provisions of chapter 15; ~~said~~. The griev-



ance procedure ~~to~~ shall be available to any public employee employed in a unit not covered by a negotiated grievance procedure as contained in section 179.70, subdivision 1;

(j) conduct elections;

*(k) assign state employee classifications to the appropriate units provided in section 35, when the classifications have not been assigned pursuant to section 35, or have been significantly modified in occupational content subsequent to assignment pursuant to section 35, and assign supervisory employees to the appropriate units provided in section 35 when the positions have not been assigned pursuant to section 35 or have been significantly modified in occupational content. The assignment of the classes shall be made on the basis of the community of interest of the majority of employees in these classes with the employees within the statutory units and all the employees in the class, excluding supervisory and confidential employees, shall be assigned to a single appropriate unit.*

Sec. 31. Minnesota Statutes 1978, Section 179.72, Subdivision 6, is amended to read:

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

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

Sec. 32. Minnesota Statutes 1978, Section 179.74, Subdivision 3, is amended to read:

Subd. 3. In all negotiations between the state and exclusive representatives the state shall be represented by the commissioner

of ~~personnel employee relations~~ or his representative. The attorney general, and each appointing authority shall cooperate with the commissioner of ~~personnel employee relations~~ in conducting negotiations and shall make available ~~such any~~ personnel and other resources as are necessary to enable the commissioner to conduct effective negotiations.

Sec. 33. Minnesota Statutes, 1979 Supplement, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of ~~personnel employee relations~~ shall meet and negotiate with the exclusive representative of ~~appropriate the units specified in section 35~~, in the manner prescribed by sections 179.61 to 179.77 ; ~~provided, however, that the director of mediation services shall define appropriate units of state employees as all the employees under the same appointing authority except where professional, geographical or other considerations affecting employment relations clearly require appropriate units of some other composition. However, the appropriate units provided for in section 35 shall be the only appropriate units for executive branch state employees.~~ The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of ~~personnel employee relations~~ in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, ~~the positions of all unclassified employees in the offices of the governor, lieutenant governor, secretary of state, attorney general, treasurer and auditor, all positions in the bureau of mediation services, all hearing examiners examiner positions in the office of hearing examiners. and the positions of all confidential employees who work in the personnel offices of an appointing authority in the executive branch and who have access to information subject to use by the appointing authority in meeting and negotiating or who actively participate in the meeting and negotiating on behalf of the state.~~ shall be excluded from any appropriate unit. Regardless of unit determination, The governor may upon the unanimous written request of exclusive representatives of units and ~~appointing authorities the commissioner direct that negotiations be conducted for one or more appointing authorities units in a common proceeding or that supplemental negotiations be conducted for portions of a unit or units defined on the basis of appointing authority or geography.~~

Sec. 34. Minnesota Statutes, 1979 Supplement, Section 179.74, Subdivision 5, is amended to read:

Subd. 5. The commissioner of ~~personnel employee relations~~ is authorized to and may enter into agreements with ~~exclusive representatives of the units specified in section 35.~~ The provisions of the negotiated agreements and arbitration awards shall be submitted to the legislature to be accepted or rejected ~~in accordance with this section and section 3.885.~~ A state employee whose exclusive representative, as defined by section 179.63, subdivision 6, has

not reached a proposed agreement with the state which has been submitted by the commissioner to the legislative commission on employee relations on or before April 15 of an odd numbered year, shall not receive the wage and economic fringe benefit increases provided pursuant to an agreement executed and approved under this subdivision. Disapproval by the legislative commission on employee relations pursuant to section 2.855 or failure of the legislature to approve a negotiated agreement or arbitration award with respect to wages and economic fringe benefits by the time of adjournment of the regular legislative session in an odd numbered year shall be a defense to a violation of section 179.64. In the event that a proposed agreement or arbitration award is rejected or is not approved by the legislature prior to its adjournment in an odd numbered year, the legislative commission on employee relations is authorized to give interim approval to a proposed agreement or arbitration award. The proposed agreement or arbitration award shall be implemented upon its approval by the commission and state employees covered by the proposed agreement or arbitration award shall not have the right to strike while the interim approval is in effect. The commission shall submit the agreement or arbitration award to the legislature for ratification at a special legislative session called to consider it or at its next regular legislative session. Wages and economic fringe benefit increases provided for in the agreement or arbitration award which were paid pursuant to the interim approval by the commission shall not be affected but such wages and benefit increases shall cease to be paid or provided effective upon the rejection of the agreement or arbitration award or upon adjournment by the legislature without acting upon the agreement or arbitration award. Rejection or failure to approve the agreement or arbitration award by the legislature prior to its adjournment in that session shall be grounds for a legal strike by affected nonessential state employees prior to the scheduled expiration date of the agreement or arbitration award which was given interim approval by the commission pursuant to section 179.64.

Sec. 35. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.741] [STATE EMPLOYEES; APPROPRIATE UNITS.]  
Subdivision 1. [STATE EMPLOYEES.] All appropriate units of state employees certified as of the effective date of this subdivision are abolished. The following shall be the appropriate units of executive branch state employees for the purposes of sections 179.61 to 179.76. All units shall exclude employees excluded by section 179.74, subdivision 4, and supervisory employees shall only be assigned to units 12 and 15. No additional units of executive branch state employees shall be recognized for the purpose of meeting and negotiating.

(1) Law enforcement unit. This unit shall consist of all sworn highway patrol personnel, all uniformed conservation officers, and all criminal apprehension agents.

(2) Craft, maintenance, and labor unit. This unit shall consist

of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(3) *Service unit.* This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(4) *Health care non-professional unit.* This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(5) *Health care professional unit.* This unit shall consist of all positions which are required to be filled by registered nurses.

(6) *Clerical and office unit.* This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(7) *Technical unit.* This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(8) *Correctional guards unit.* This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(9) *State university instructional unit.* This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(10) *Community college instructional unit.* This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(11) *State university administrative unit.* This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(12) *Professional engineering supervisory unit.* This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(13) *Health treatment unit.* This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .

(14) *General professional unit.* This unit shall consist of those classifications assigned to this unit in the unit composition

*schedule adopted by the legislative commission on employee relations on . . . . .*

*(15) Supervisory employees unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on . . . . .*

*Subd. 2. [SEVERANCE.] Each of the following groups of employees shall have the right, as specified in this subdivision, to separate from the general professional or supervisory units provided for in subdivision 1: attorneys and highway patrol-supervisors. This right shall be exercised by petition during the period commencing on the effective date of this section and concluding 30 days after that date or, after January 1, 1981, during the 60 day period commencing 270 days prior to the termination of a contract covering the units. If one of these groups of employees exercises the right to separate from the units they shall have no right to meet and negotiate, but shall retain the right to meet and confer with the commissioner of employee relations and with the appropriate appointing authority on any matter of concern to them. The manner of exercise of the right to separate shall be as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a state-wide basis wish to separate from the units may petition the director for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the director shall hold a single election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the supervisory or professional units provided in subdivision 1. This election shall be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of separate meet and confer status for any one of these groups of employees, the director shall certify that result. This election shall, where not inconsistent with other provisions of this section, be governed by section 179.67. If a group of employees elects to sever they may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance.*

*Sec. 36. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:*

*[179.742] [TRANSITION TO NEW BARGAINING UNIT STRUCTURE FOR STATE EMPLOYEES.] Subdivision 1. [APPLICATION OF SECTION.] Notwithstanding section 179.65, subdivision 2, or any other law, this section shall govern, where contrary to other law, the initial certification and decertification of exclusive representatives for the appropriate units of state employees established by section 35. Subsequent to the initial certification and decertification pursuant to this section, the provisions of this section shall not apply.*

*Subd. 2. [EXISTING MAJORITY.] The director shall certify an employee organization and exclusive representative for an ap-*

propriate unit established by section 35 upon a petition filed with the director by the organization within 30 days of the effective date of this section stating that the petitioner is certified pursuant to section 179.67 as the exclusive representative of a majority of the employees included within the unit established by section 35. Two or more employee organizations which represent the employees in a unit established by section 35, may petition jointly pursuant to this subdivision, provided that any organization may withdraw from a joint certification in favor of the remaining organization or organizations on 30 days notice without effect upon the rights and obligations of the remaining organization or organizations or the employer. The director shall make a determination on a timely petition within 15 days of its receipt.

**Subd. 3. [NO EXISTING MAJORITY.]** (1) The director shall certify an employee organization as exclusive representative for an appropriate unit established by section 35 upon a petition filed by the organization within 30 days of the effective date of this section stating that the petitioner is certified pursuant to section 179.67 as the exclusive representative of fewer than a majority of the employees included within the unit established by section 35, where no other employee organization so certified has filed a petition within 30 days of the effective date of this section under subdivisions 2 or 3, so long as a majority of the employees in the unit established by section 35 are represented by employee organizations pursuant to section 179.67 on the effective date of this section. Two or more employee organizations, each of which represents employees included in the unit established by section 35 may petition jointly pursuant to this clause, provided that any organization may withdraw from a joint certification in favor of the remaining organization or organizations on 30 days notice without effect upon the rights and obligations of the remaining organization or organizations or the employer. The director shall make a determination on a timely petition within 15 days of its receipt.

(2) If no exclusive representative is certified under subdivision 2 or subdivision 3, clause (1), and an employee organization petitions the director within 45 days of the effective date of this section stating that at least 30 percent of the employees included within a unit established by section 35 wish to be represented by the petitioner, where this 30 percent is evidenced by current dues deduction rights, signed statements plainly indicating that the signatories wish to be represented for collective bargaining purposes by the petitioner rather than by any other organization, or a combination thereof, the director shall conduct a secret ballot election to determine the wishes of the majority. The election shall be conducted within 75 days of the effective date of this section and shall, where not inconsistent with other provisions of this section, be governed by section 179.67.

**Subd. 4. [DECERTIFICATION.]** The director shall consider a petition for decertification of an exclusive representative certified under this section only when the petition is filed within 60 days of the initial certification or during the period provided in section 179.67, subdivision 4a, and only when the certification was made

*pursuant to subdivision 2 or 3, clause (1). The petition shall be considered under the provisions of section 179.67 except where they are inconsistent with this subdivision.*

**Subd. 5. [CONTRACT AND REPRESENTATION RESPONSIBILITIES.]** *Until June 30, 1981 exclusive representatives of units of state employees certified prior to the effective date of this section shall remain responsible for administration of their contracts and for all other contractual duties and shall enjoy the right to dues and fair share fee deduction and all other contractual privileges and rights. Exclusive representatives of state employees certified after the effective date of this section shall immediately upon certification have the responsibility of bargaining on behalf of employees within the unit and shall have the responsibility of administering grievances arising under previous contracts covering employees included within the unit which remain unresolved on June 30, 1981. Where the employer does not object, these responsibilities may be varied by agreement between the outgoing and incoming exclusive representatives. All other rights and duties of representation shall commence on July 1, 1981, except that exclusive representatives certified after the effective date of this section shall immediately upon certification have the right to all employer information and all forms of access to employees within the bargaining unit which would be permitted to the current contract-holder. This section shall in no way affect any existing collective bargaining contract.*

*Nothing in sections 1 to 40 shall prevent an exclusive representative certified after the effective date of sections 1 to 40 from assessing fair share or dues deductions immediately upon certification for employees in a unit established under section 35 if the employees were unrepresented for collective bargaining purposes prior to that certification.*

**Sec. 37.** *Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:*

**[179.743] [STATE EMPLOYEES.]** *When no prior determination has been made with respect to the supervisory or confidential status of a state employee or his predecessor and no agreement can be reached between the employer and petitioning employee organizations, the commissioner of employee relations may petition the director for a determination. The director shall not exclude any supervisory or confidential employee from an appropriate unit of nonsupervisory and nonconfidential state employees on the basis of a petition filed later than 30 days after the effective date of this section, except as provided in section 30. The director shall make all determinations under this subdivision within 60 days of receipt of a timely petition. The director shall have full discretion in his determination of the application of sections 179.63, subdivisions 8, 9, and 9a, and 179.71, subdivision 3, paragraph 2 in all cases arising under this subdivision. Notwithstanding any other law, his decision shall be final and no appeal whatsoever shall be heard. For the purposes of the certification of a bargaining agent for units provided in section 35, subdivision 1, employees sought to*

*be excluded by a timely and valid petition as supervisory or confidential shall be counted and shall vote separately in a fashion which shall permit them to be individually excluded or included after a determination as to their status. When a certification is dependent upon challenged employees, the director shall determine the status of the challenged employees prior to deciding the cases of challenged employees whose status need not be determined for a certification. In the latter situation the certification of a bargaining agent shall proceed irrespective of pending challenges.*

Sec. 38. Laws 1979, Chapter 332, Article I, Section 116, is amended to read:

Sec. 116. [EFFECTIVE DATE.] The effective dates for Article I are as follows: sections 2, 4, 8, 40, 45, 46, 47, 58, 61, 65, 82-91, and 113 are effective upon final enactment. Section 64, is effective June 30, 1980. Sections 3, 5, 6 and 7 are effective July 1, 1981. The remaining provisions of Article I are effective July 1, 1979. The provisions of section 47 shall apply to all disciplinary actions taken on or after the effective date of section 47. *The provisions of section 63 shall expire on July 1, 1981, but shall apply to all arbitration proceedings which are to determine contractual provisions for the 1982-1983 biennium.* The provisions of sections 63, 93 to 111 and 113 shall expire on July 1, 1981. The provisions of section 137.02, subdivision 4, shall not apply to sections 93 to 111.

Sec. 39. Laws 1979, Chapter 332, Article 1, Section 114, is amended to read:

Sec 114. [REPEALER.] Effective July 1, 1981, Minnesota Statutes 1978, Sections 43.03; 43.06; 43.062; 43.063; 43.064; 43.065; 43.067; 43.068; 43.069; 43.07; 43.09; ~~43.11; 43.12, Subdivisions 2 to 27; 43.121; 43.122; 43.126; 43.127; 43.128; 43.13; 43.14; 43.162; 43.17; 43.18; 43.19; 43.20; 43.21; 43.22; 43.222; 43.223; 43.224; 43.23; 43.24; 43.245; 43.321; 43.322; 43.323; 43.324; 43.326; 43.327; 43.33; 43.44; 43.45; 43.46; 43.48 and 43.49; 43.50; and 43.51~~ are repealed.

Sec. 40. [REPEALER.] Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5 and 179.64, Subdivision 7 are repealed.

Sec. 41. [APPROPRIATION.] Subdivision 1. *The sum of \$..... is appropriated for the period ending June 30, 1981, to the commissioner of employee relations for the expenses of the insurance advisory council established in section 14, subdivision 4.*

Subd. 2. *The amount of \$..... is appropriated for the period ending June 30, 1981, to the department of employee relations created pursuant to section 3. The personnel complement of the department of employee relations is increased by ... persons.*

Subd. 3. *The amount of \$..... is appropriated for the period ending June 30, 1981, to the bureau of mediation services for the purpose of implementing sections 35 to 37.*



**Sec. 42. [INSTRUCTIONS TO REVISOR.]** *In the next and all subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the term "department of employee relations" for "department of personnel" in every place where the latter is used. The revisor of statutes shall substitute the term "commissioner of employee relations" for "commissioner of personnel" in every place where the latter term is used.*

**Sec. 43. [EFFECTIVE DATE.]** *Section 15 shall be effective on July 1, 1981. The remaining provisions of this act are effective the day following final enactment but shall not alter the terms of any existing collective bargaining agreement before it expires."*

Delete the title in its entirety and insert:

"A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil service laws; providing for health benefits; providing for a study of promotional systems; repealing the duty of the revisor of statutes regarding certain collective bargaining agreements; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.05, by adding a subdivision; 43.111; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivision 8; 179.64, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivision 3; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.05, Subdivision 2; 43.067, Subdivision 1; 43.19, Subdivision 1; 43.50, Subdivision 1; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Sections 114 and 116; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; and 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; 179.64, Subdivision 7."

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 1877: A bill for an act relating to labor; regulating migrant labor; requiring employers and recruiters to provide statements of hire to migrant workers; setting requirements for statements of hire and for payments of wages to migrant workers; providing for private causes of action.

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

Page 1, line 14, delete the second "and" and insert "or"

Page 1, line 18, after "travels" insert "more than 100 miles"

Page 1, line 21, delete "and" and insert "or" and delete ", either directly or"

Page 1, line 22, delete "indirectly through a recruiter,"

Page 2, after line 1, insert:

"Subd. 5. "To recruit" means to induce an individual, either directly or indirectly through an agent or recruiter, to travel to Minnesota to perform agricultural labor by an offer of employment or of the possibility of employment."

Page 2, line 2, delete "5" and insert "6"

Page 2, line 4, delete "recruits,"

Page 2, delete lines 11 and 12, and insert "An employer that recruits any migrant worker shall cause to be provided to the migrant worker, at the time the worker is recruited, a written"

Page 2, line 18, delete "hired" and after "recruiter" insert "or agent"

Page 2, delete lines 24 and 25

Page 2, line 26, delete "(5)" and insert "(4)"

Page 2, line 28, delete "(6)" and insert "(5)" and delete "and"

Page 2, after line 28, insert:

"(6) The payment terms provided in section 3; and"

Page 2, delete lines 30 to 33

Page 3, delete lines 1 to 11

Page 3, line 12, delete "3" and insert "2"

Page 3, line 16, delete "performs seasonal agricultural labor for" and insert "is recruited by"

Page 3, line 18, delete everything after the period

Page 3, delete lines 19 and 20

Page 3, line 23, after "to" insert "offer to"

Page 3, line 24, delete "30" and insert "50"

Page 3, line 24, delete "per week" and insert "in any two week pay period"

Page 3, line 25, delete everything after "for"

Page 3, line 26, delete "available" and insert "the difference between 50 hours of work and the number of hours of work actually offered by the employer in that two week period"

Page 3, line 29, delete everything after the first "the"

Page 3, line 30, delete "actually performed" and insert "hourly wage rate, if any, specified in the statement of hire or the federal minimum wage, whichever is greater"

Page 3, line 30, delete "entire" and insert "minimum"

Page 3, line 31, after "employment" insert "specified in the statement of hire"

Page 4, line 1, delete "In no"

Page 4, delete lines 2 to 4 and insert "If the minimum period of employment begins or ends in the middle of a calendar week, the portion of each calendar week included at the beginning or end of the period shall be considered a calendar week if it includes at least four calendar days."

Page 4, line 10, delete "calendar" and insert "two"

Page 4, line 11, delete "week" and insert "period"

Page 4, line 15, delete "week" and insert "two week pay period"

Page 4, line 15, delete "five" and insert "the number of"

Page 4, line 16, after "hours" insert "of work actually offered by the employer that day"

Page 4, delete lines 17 to 19

Page 4, line 20, delete "7" and insert "6"

Page 4, line 26, delete "employed" and insert "recruited"

Page 4, line 31, delete "or recruiter or both"

Page 5, line 1, delete "the greater of the following"

Page 5, line 2, delete "amounts: either" and after "by" insert "the"

Page 5, line 3, delete "or plaintiffs"

Page 5, line 4, after "subdivision" insert ", whichever is greater"

Page 5, line 8, delete "a recruiter or"

Page 5, line 9, delete "or hired"

Page 5, line 12, delete "a recruiter or"

Page 5, line 13, delete "or hired"

Pages 5 and 6, delete section 6 and insert:

"Sec. 6. [USE OF WAGNER-PEYSEY SYSTEM.] An employer who uses the federal work clearance order system under the Wagner-Peyser Act of 1933, 48 Stat. 113, as amended, is deemed to recruit the migrant workers who are thereby induced to travel to Minnesota to perform agricultural labor. The provisions of sections 1 to 5 shall not be construed to prohibit the use of the work clearance order system by any employer who recruits migrant workers; but use of the federal work clearance order system by an employer that recruits migrant workers shall not excuse the employer from compliance with the provisions of sections 1 to 5."

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

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

S. F. No. 2101: A bill for an act relating to state government; raising the limit on the balance allowed to remain in the state auditor's revolving fund; empowering the state auditor to establish a personnel recruitment, hiring, promotional, and salary plan in consultation with the commissioner of the department of personnel; amending Minnesota Statutes 1978, Section 6.58; and Chapter 6, by adding a section.

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

Page 3, line 3, after *"implement"* insert *", for non-clerical positions in the office of the state auditor,"*

Page 3, line 5, delete *"in consultation with the commissioner of personnel"*

Page 3, line 5, after the period insert *"The plan shall be approved by the commissioner of personnel before becoming effective."*

Amend the title as follows:

Page 1, line 6, delete *"in"*

Page 1, line 7, delete *"consultation"*

Page 1, line 7, after *"with"* insert *"the approval of"*

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

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

S. F. No. 2231: A bill for an act relating to retirement; corrections officers; coverage and mandatory retirement; amending Minnesota Statutes 1978, Sections 352.90; 352.91, Subdivisions 1 and 2, and by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 43.051, Subdivision 3.

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

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

S. F. No. 2017: A bill for an act relating to municipal industrial development; defining projects appropriate for development; amending Minnesota Statutes 1978, Section 474.02, Subdivision 1c.

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

Mr. Schaaf from the Committee on Governmental Operations, to which was re-referred

S. F. No. 1457: A bill for an act relating to transportation; providing for a transportation board; providing for transfer of certain duties, powers and functions of the public service commission and the commissioner of transportation to the transportation regulation board; regulating railroads and other common carriers of persons or property for hire; providing penalties; appropriating funds; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 1; 174.02, Subdivision 4; 174.03, Subdivision 2; 174.10, Subdivisions 1, 3, 4; 218.011, Subdivision 7; 218.021; 218.025; 218.031, Subdivisions 1, 6, 8, 10; 218.041; 218.071; 219.03; 219.14; 219.23; 219.24; 219.25; 219.27; 219.28; 219.383; 219.39; 219.40; 219.41; 219.42; 219.43; 219.46, Subdivision 7; 219.47; 219.51; 219.52; 219.54; 219.55; 219.562, Subdivision 3; 219.65; 219.681; 219.70; 219.71; 219.741; 219.85; 219.86; 219.87; 221.011, Subdivisions 2b, 15, 22; 221.021; 221.031, Subdivision 1; 221.041; 221.051; 221.061; 221.071; 221.081; 221.101; 221.121; 221.131; 221.141, Subdivision 2; 221.151; 221.161; 221.171; 221.181; 221.221; 221.261; 221.271; 221.281; 221.291, Subdivision 1; 221.293; 221.295; 221.296, Subdivisions 2, 3, 4, 8; 221.55; 221.68; repealing Minnesota Statutes 1978, Section 219.742.

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

Page 2, line 11, delete "*The governor, in his*"

Page 2, delete lines 12 through 16

Page 2, line 17, delete "*public,*"

Page 2, delete subdivision 4

Renumber the subdivisions in sequence

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

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

S. F. No. 1805: A bill for an act relating to education; designating the birthday of Martin Luther King as a special observance day in public schools; eliminating a reference to the amount of time that may be spent for certain instruction and programs on a special observance day; amending Minnesota Statutes 1978, Section 126.10.

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

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

S. F. No. 2184: A bill for an act relating to education; providing aid for free and reduced price lunches rather than full paid lunches

in certain school districts; providing certain bonding authority for Special School District No. 1; appropriating money; amending Minnesota Statutes 1978, Section 124.646, Subdivision 2, and by adding a subdivision; Minnesota Statutes, 1979 Supplement, Section 124.646, Subdivision 1; and Laws 1959, Chapter 462, Section 3, Subdivision 7, as amended.

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 1963, Chapter 645, Section 3, Subdivision 5, is amended to read:

Subd. 5. The school district shall develop a comprehensive long-range building plan to project forward school needs at any given time for at least the next ~~fifteen~~ *five* years, such plan to include the needs of the district in connection with school sites, new schools and additions to existing buildings, retiring of obsolete facilities, and rehabilitating, remodeling, and equipping existing school buildings. ~~Such~~ *The* plan shall be reviewed and updated by the school staff and the board yearly ~~commencing in 1964~~. ~~Such~~ *The* plan shall be submitted yearly ~~commencing in 1963~~ by the board to the City Planning Commission for its review and recommendations.

Sec. 2. Laws 1959, Chapter 462, Section 3, Subdivision 7, as amended and renumbered as Subdivision 10 by Laws 1963, Chapter 645, Section 3, as amended by Laws 1967, Chapter 661, Section 3, Laws 1969, Chapter 994, Section 1, and Laws 1975, Chapter 320, Section 1, is amended to read:

Subd. 10. [SPECIAL SCHOOL DISTRICT NO. 1; MINNEAPOLIS, CITY OF; EXTENDING BONDING AUTHORITY.] As used in this act the word "project" shall mean any proposed new or enlarged school building site, any proposed new school building or any proposed new addition to a school building, and "undertaking" shall mean any other purpose for which bonds may be issued as authorized in this subdivision. Subject to the limitations of subdivision 11, the special independent school district of Minneapolis may issue and sell bonds with the approval of 53 percent of the electors voting on the question at a general school district election, or at a school district election held at the same time and place within the district as a state general or primary election, as determined by the board of education. Subject to the provisions of subdivision 11, the school district may also by a ~~two-thirds~~ *two-thirds* majority vote of all the members of its board of education and without any election by the voters of the district, issue and sell in each calendar year bonds of ~~such~~ *the* district in an amount not to exceed one-half of one percent of the assessed value of the taxable property in ~~such~~ *the* district (plus, for each of the calendar years ~~1975 1980~~ through ~~1979 1984~~, an amount not to exceed ~~75~~ *50* percent of the amount of indebtedness to be retired during the ~~said~~ calendar year; with an additional provision that any amount of bonds so authorized for sale in a specific year and

not sold can be carried forward and sold in the year immediately following); provided, however, that the board shall submit the list of projects and undertakings to be financed by such a proposed issue to the city planning commission as provided in subdivision 11(c) prior to the issuance of such bonds. All bonds of the school district shall be payable in not more than 20 years. The proceeds of the sale of such the bonds shall be used only for the rehabilitating, remodeling, expanding and equipping of existing school buildings and for the acquisition of sites, construction and equipping of new school buildings, and for acquisition and betterment purposes, and no part of such the proceeds shall be used for maintenance. The provisions of this act shall apply to the issuance and sale of such the bonds and to the purposes for which the same bonds may be issued notwithstanding any provisions to the contrary in any other existing law relating thereto.

**Sec. 3. [EFFECTIVE DATE.]** Pursuant to section 645.023, subdivision 1, clause (a), sections 1 and 2 are effective without local approval the day after final enactment."

Delete the title and insert:

"A bill for an act relating to Special School District No. 1; modifying the district's responsibility to develop a long range building plan and providing certain bonding authority; amending Laws 1963, Chapter 645, Section 3, Subdivision 5; and Laws 1959, Chapter 462, Section 3, Subdivision 7, as amended and renumbered."

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

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

S. F. No. 1788: A bill for an act relating to education; modifying rule making procedures and the tuition exemption authority of the state university board; allowing a change in the placement service registration fee at state universities; eliminating a visitation and reporting duty of the state university board and a reporting duty of state university presidents; eliminating a provision governing state university rules which conflict with the provisions of certain collective bargaining contracts; amending Minnesota Statutes 1978, Sections 136.11, Subdivisions 1 and 8; and 136.14; repealing Minnesota Statutes 1978, Sections 136.148 and 136.15.

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

Page 3, line 21, strike "and thoroughly"

Page 3, strike line 22

Page 3, line 23, strike "discipline, and management of"

Page 3, line 23, after "each" insert "state"

Page 3, line 24, before the period, insert *"for the purpose of meeting with administrators, faculty, students and the community to discuss such matters as facilities, modes of instruction, curriculum, extracurricular programs and management"*

Page 3, line 24, strike "It shall report to the governor and the"

Page 3, strike lines 25 through 27

Amend the title as follows:

Page 1, line 2, after "modifying" insert "certain"

Page 1, line 6, delete "visitation and"

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

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

S. F. No. 2114: A bill for an act relating to the legislature; establishing a temporary joint legislative study commission and empowering it to examine the educational programs for primary patient care of the University of Minnesota Medical School; appropriating money.

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

Page 2, line 8, delete "1980" and insert "1982"

Page 3, line 14, after the dollar sign insert "20,000"

Page 3, line 17, delete "1980" and insert "1982"

Page 3, line 19, delete "1980" and insert "1982"

And when so amended the bill do pass and be re-referred to the Committee on Governmental Operations. Amendments adopted. Reported adopted.

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 1838: A bill for an act relating to industrial development; extending the industrial development law to all towns; amending Minnesota Statutes 1978, Section 474.02, Subdivision 2.

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

Page 1, line 11, reinstate the stricken language

Page 1, line 19, after the period insert:

*"In all cases in which a project involves fuel production from agricultural crops; bulk storage of agricultural fuels, chemicals, fertilizers, and crops; agricultural machinery; agricultural processing; or agricultural feed and seed, for the purpose of making capital*



*investment loans for any of these projects, "municipality" shall include any town."*

Page 1, after line 19, insert:

"Sec. 2. Minnesota Statutes 1978, Section 474.04, is amended to read:

**474.04. [AUTHORIZATION OF PROJECTS AND BONDS.]**  
*Subdivision 1.* The acquisition, construction, reconstruction, improvement, betterment, or extension of any project, the execution of any revenue agreement or mortgage pertaining thereto, and the issuance of bonds in anticipation of the collection of the revenues of such project to provide funds to pay for the cost thereof, may be authorized by an ordinance or resolution of the governing body adopted at a regular or duly called special meeting thereof by the affirmative vote of a majority of its members. No election shall be required to authorize the use of any of the powers conferred by this chapter *except as provided in subdivision 2.* No lease of any project shall be subject to the provisions of section 504.02, unless expressly so provided in the lease.

*Subd. 2.* Any town, except a town described in section 368.01, in which an agricultural project described in section 474.02, subdivision 2, is proposed to be undertaken pursuant to the authority granted by this chapter, shall not proceed with the project unless authorized by an affirmative vote of the electors of the town at the annual town meeting or at a special town meeting held pursuant to sections 365.52 to 365.53."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring authorization for certain agricultural projects;"

Page 1, line 4, delete "Section" and insert "Sections"

Page 1, line 5, before the period, insert "; and 474.04"

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

Mr. Wegener from the Committee on Local Government, to which was referred

S. F. No. 2172: A bill for an act relating to the Moose Lake-Windemere Sewer District; definitions; board membership and compensation; powers; amending Laws 1974, Chapter 400, Sections 3, Subdivisions 5 and 12; 4, Subdivisions 2 and 9; and 8, by adding a subdivision.

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

Page 2, line 27, delete "\$45" and insert "\$35"

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

Mr. Laufenburger from the Committee on Employment, to which was referred

S. F. No. 1878: A bill for an act relating to the legislature; establishing a council on the economic status of minorities; appropriating money.

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

Mr. Perpich from the Committee on Health, Welfare and Corrections, to which were referred the following appointments as reported in the Journal for February 4, 1980:

#### **CORRECTIONS BOARD**

James H. Bruton, Jr.  
Henry Greencrow

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

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 1921, 1731, 1957, 2090, 1995, 1679, 2110, 2067, 1703, 2104, 1900, 2077, 1810, 1937, 2131, 2102, 2040, 1837, 1979, 1785, 1187, 1889, 1188, 2122, 1579, 1493, 1797, 1798, 1662, 1700, 1358, 1536, 1818, 978, 1588, 1322, 1813, 1922, 1076, 1985, 1825, 769 and 1633 and H. F. Nos. 874 and 1453 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.

#### **SECOND READING OF SENATE BILLS**

S. F. Nos. 1745 and 2123 were read the second time.

S. F. Nos. 1028, 1854, 1704, 1132, 1398, 773, 1756, 2109, 1914, 1208, 2138, 1783, 2053, 2136, 1844, 2111, 1950, 2074, 1997, 2168, 2183, 2094, 1641, 1993, 1877, 2101, 2231, 2017, 1805, 2184, 1788, 1838 and 2172 were 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. Stern be added as co-author to S. F. No. 1067. The motion prevailed.

Mr. Luther moved that the names of Messrs. Moe and Johnson be stricken and that the names of Messrs. Chmielewski and

Perpich be added as co-authors to S. F. No. 1552. The motion prevailed.

Mr. Renneke moved that the name of Mr. Omann be added as co-author to S. F. No. 1564. The motion prevailed.

Mr. Renneke moved that the name of Mr. Omann be added as co-author to S. F. No. 2009. The motion prevailed.

Mr. Merriam moved that his name be stricken as co-author to S. F. No. 2039. The motion prevailed.

Mr. Johnson moved that the names of Messrs. Perpich and Ashbach be added as co-authors to S. F. No. 2065. The motion prevailed.

Mr. Olhoft moved that the name of Mr. Omann be added as co-author to S. F. No. 2182. The motion prevailed.

Mr. Luther moved that the name of Mr. Stern be added as co-author to S. F. No. 2226. The motion prevailed.

Mr. Nichols moved that the name of Mr. Strand be added as co-author to S. F. No. 2228. The motion prevailed.

Mrs. Knaak moved that the name of Mr. Barrette be added as co-author to S. F. No. 2261. The motion prevailed.

Mr. Nichols moved that the name of Mr. Johnson be added as co-author to S. F. No. 2277. The motion prevailed.

Mr. Anderson moved that the name of Mr. Merriam be added as co-author to S. F. No. 2286. The motion prevailed.

Mr. Knutson moved that S. F. No. 2329 be withdrawn from the Committee on Health, Welfare and Corrections and re-referred to the Committee on Governmental Operations. The motion prevailed.

Mr. Merriam moved that H. F. No. 455 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

#### CONFERENCE COMMITTEE REPORT ON H. F. NO. 455

A bill for an act relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education to promulgate certain rules and giving it exclusive jurisdiction over certain sex discrimination charges; providing for the rights of certain parties in the case of certain sex discrimination charges; amending Minnesota Statutes 1978, Sections 126.21 and 363.02, Subdivision 3.

February 29, 1980

The Honorable Fred C. Norton  
Speaker of the House of Representatives

The Honorable Edward J. Gearty  
President of the Senate

We, the undersigned conferees for H. F. No. 455, 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. 455 be further amended as follows:

Strike everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 126.21, is amended to read:

126.21 [ATHLETIC PROGRAMS; SEX DISCRIMINATION.]  
Subdivision 1. [POLICY.] *The legislature recognizes certain past inequities in access to athletic programs and in the various degrees of athletic opportunity previously afforded members of each sex. The purpose of this section is to provide an equal opportunity for members of both sexes to participate in athletic programs.*

*Subd. 2. Each educational institution or public service shall provide equal opportunity for members of both sexes to participate in its athletic program. In determining whether equal opportunity to participate in athletic programs is available for the purposes of this section, at least the following factors shall be considered to the extent that they are applicable to a given situation: whether the opportunity for males and females to participate in the athletic program reflects the demonstrated interest in athletics of the males and females in the student body of the educational institution or the population served by the public service; whether the variety and selection of sports and levels of competition effectively accommodate the demonstrated interests of members of both sexes; the provision of equipment and supplies; scheduling of games and practice times; assignment of coaches; provision of locker rooms; practice and competitive facilities; and the provision of necessary funds for teams of one sex.*

*Subd. 3. (1) Notwithstanding any other state law to the contrary, in athletic programs operated by educational institutions or public services and designed for participants 12 years old or older or in the seventh grade or above, it is not an unfair discriminatory practice: (1) to restrict membership on an athletic team to participants of one sex; if this restriction is necessary to provide members of each sex with an equal opportunity to participate in the athletic program; provided, if a membership restriction on the basis of sex results in the operation of two teams in the same sport which are separated or substantially separated according to sex, the two teams shall be operated in compliance with all the provisions of clause (2); or whose overall athletic opportunities have previously been limited.*

(2) *When an educational institution or a public service provides athletic teams for children eleven years old or younger or in the sixth grade or below, those teams shall be operated without restrictions on the basis of sex, except that when overall athletic opportunities for one sex have previously been limited and there is a demonstrated interest by members of that sex to participate on a team restricted to members of that sex, the educational institution or public service may provide a team restricted to members of that sex.*

~~(2) to provide (3) When two teams in the same sport which are in fact separated or substantially separated according to sex, if the two teams are shall be provided with substantially equal budgets per participant, exclusive of gate receipts and other revenues generated by that sport, and in all other respects are shall be treated in a substantially equal manner. The two teams shall be operated separately only in those activities where separation is necessary to provide the members of each sex equal opportunity to participate in the athletic program. However, nothing in this section shall be construed to require the two teams to conduct combined practice sessions or any other combined activities related to athletics.~~

(4) *If two teams are provided in the same sport, one of these teams may be restricted to members of a sex whose overall athletic opportunities have previously been limited, and members of either sex shall be permitted to try out for the other team.*

Subd. 4. *When an equal opportunity to participate in the elementary or secondary school level athletic program of an educational institution or public service is not provided to members of a sex whose overall athletic opportunities have previously been limited, that educational institution or public service shall, where there is demonstrated interest, provide separate teams for members of the excluded sex in sports which it determines will provide members of that excluded sex with an equal opportunity to participate in its athletic program and which will attempt to accommodate their demonstrated interests.*

Subd. 2 5. *The state board of education, after consultation with the commissioner of human rights shall promulgate rules in accordance with chapter 15 to implement this section to prevent discrimination in elementary and secondary school athletic programs operated by educational institutions. The rules promulgated by the state board pursuant to this section shall not require athletic competition or tournaments for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited to be scheduled in conjunction with the scheduling of athletic competition or tournaments for teams whose membership is not so restricted by this section. Any organization, association or league entered into by educational institutions elementary or secondary schools or public services for the purpose of promoting sports or adopting rules and regulations for the conduct of athletic contests between members shall effective July 1, 1976 provide rules and regulations and conduct its activities so as to permit its members to comply fully with*

subdivision 1 and section 363.03, subdivisions 4 and 5 this section. The rules of that organization, association or league may provide separate seasons for athletic competition or tournaments in a sport for teams whose membership may be restricted to members of a sex whose overall athletic opportunities have previously been limited from athletic competition or tournaments established for teams in that same sport whose membership is not so restricted by this section, and its rules may prohibit a participating student from competing on more than one school team in a given sport during a single school year.

Subd. 3. Educational institutions and public services shall make every reasonable effort to provide substantially equal budgets per participant pursuant to subdivision 1 during the school year 1975-1976, and thereafter shall provide substantially equal budgets per participant pursuant to subdivision 1. Educational institutions and public services shall phase out separation based on sex in athletic programs designed for participants 11 years old or younger and in the sixth grade or below during the school years 1975-1976, 1976-1977, and 1977-1978, and thereafter shall comply fully with subdivision 1 and section 363.03, subdivisions 4 and 5.

Sec. 2. Minnesota Statutes 1978, Section 129.121, is amended by adding a subdivision to read:

*Subd. 5. For the purposes of section 471.705, the Minnesota state high school league shall be deemed to be a state agency required by law to transact business in meetings open to the public.*

Sec. 3. Minnesota Statutes 1978, Section 363.02, Subdivision 3, is amended to read:

Subd. 3. [EDUCATION.] (a) It is not an unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants of the same religion. The provisions of section 363.03, subdivision 5, relating to sex, shall not apply to a private educational institution, or branch or level of a private educational institution, in which students of only one sex are permitted to enroll. Nothing in this chapter shall be construed to require any educational institution to provide any special service to any person because of the disability of such person or to modify in any manner its buildings, grounds, facilities, or admission procedures because of the disability of any such person. Nothing in this chapter shall prohibit an educational institution from discriminating on the basis of academic qualifications or achievements or requiring from applicant's information which relates to academic qualifications or achievements.

(b) *Notwithstanding any other provisions of this chapter or any law to the contrary, it is not an unfair discriminatory practice for an educational institution or a public service to operate or sponsor separate athletic teams and activities for members of each sex or to restrict membership on an athletic team to participants of one sex, if this separation or restriction meets the requirements of section 126.21.*

(c) *The department of human rights shall investigate all charges*

*alleging sex discrimination in athletic programs in educational institutions and public services pursuant to the standards and requirements of section 126.21 and the procedures enumerated in chapter 363."*

Further, delete the title and insert:

"A bill for an act relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the state board of education after consultation with the commissioner of human rights to promulgate certain rules; providing for the rights of certain parties in the case of certain sex discrimination charges; requiring the Minnesota state high school league to transact business in an open meeting; amending Minnesota Statutes 1978, Sections 126.21; 129.121, by adding a subdivision; and 363.02, Subdivision 3."

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

House Conferees: (Signed) Carl M. Johnson, John L. Weaver, Bob McEachern, Sally Olsen

Senate Conferees: (Signed) Gene Merriam, Emily Anne Staples, Collin C. Peterson, Delores J. Knaak, Nancy Brataas

### CALL OF THE SENATE

Mr. Ashbach imposed a call of the Senate for the balance of the proceedings on H. F. No. 455. The following Senators answered to their names:

Anderson	Frederick	Lessard	Purfeerst	Stern
Ashbach	Gearty	Luther	Renneke	Stokowski
Bang	Gunderson	McCutcheon	Rued	Strand
Barrette	Hanson	Menning	Schaaf	Stumpf
Benedict	Hughes	Merriam	Schmitz	Tennessen
Bernhagen	Jensen	Nelson	Setzepfandt	Ueland, A.
Brataas	Johnson	Ogdahl	Sieloff	Vega
Chmielewski	Keefe, S.	Olhoft	Sikorski	Wegener
Coleman	Kirchner	Omann	Sillers	
Dieterich	Kleinbaum	Penny	Solon	
Dunn	Knaak	Peterson	Spear	
Engler	Laufenburger	Pillsbury	Staples	

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

Mr. Merriam moved that the foregoing recommendations and Conference Committee Report on H. F. No. 455 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. 455: A bill for an act relating to education; providing equal opportunity for members of both sexes to participate in certain athletics; modifying the coverage and terms of the current law providing for equal opportunity in certain athletics; requiring the

state board of education after consultation with the commissioner of human rights to promulgate certain rules; providing for the rights of certain parties in the case of certain sex discrimination charges; requiring the Minnesota state high school league to transact business in an open meeting; amending Minnesota Statutes 1978, Sections 126.21; 129.121, by adding a subdivision; and 363.02, Subdivision 3."

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 18, as follows:

Those who voted in the affirmative were:

Anderson	Gearty	Knutson	Perpich	Staples
Ashbach	Gunderson	McCutcheon	Peterson	Stokowski
Barrette	Hanson	Merriam	Pillsbury	Strand
Bernhagen	Hughes	Moe	Purfeerst	Ueland, A.
Brataas	Jensen	Nelson	Renneke	Ulland, J.
Chmielewski	Johnson	Nichols	Rued	Wegener
Davies	Keefe, S.	Ogdahl	Schmitz	Willet
Dunn	Kirchner	Olhoff	Setzepfandt	
Engler	Kleinbaum	Olson	Sillers	
Frederick	Knaak	Penny	Solon	

Those who voted in the negative were:

Bang	Keefe, J.	Menning	Sikorski	Tennesen
Benedict	Laufenburger	Omann	Spear	Vega
Coleman	Lessard	Schaaf	Stern	
Dieterich	Luther	Sieloff	Stumpf	

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

#### MOTIONS AND RESOLUTIONS—CONTINUED SUSPENSION OF RULES

Mr. Coleman moved that the Rules of the Senate be so far suspended as to allow amendment of Rule 57. The motion prevailed.

Mr. Coleman moved that the portion of Rule 57 of the Permanent Rules of the Senate that relates to standing committees and their complement, as amended January 22, 1980, be further amended as follows:

After "Energy and Housing" delete (14) and insert (15)

After "General Legislation and Administrative Rules" delete (14) and insert (13)

After "Taxes and Tax Laws" delete (20) and insert (19)

After "Veterans' Affairs" delete (14) and insert (13)

The motion prevailed. So the rule was amended.



Mr. Coleman offered the following resolution:

That Senate Resolution No. 3 relating to standing committees of the Senate for the 71st session, Senate Journal, January 3, 1979, pages 16-19, as amended by the Senate on January 15, 1979, Senate Journal page 87, January 22, 1980, and February 14, 1980, be further amended as follows:

**Agriculture and Natural Resources**

Delete: Schrom

Add: Omann

Designate: Setzepfandt, Vice Chairman

**Energy and Housing ~~(14)~~ (15)**

Add: Omann

**General Legislation and Administrative Rules ~~(14)~~ (13)**

Delete: Schrom

**Local Government**

Delete: Schrom

Add: Omann

**Taxes and Tax Laws ~~(20)~~ (19)**

Delete: Schrom

**Veterans' Affairs ~~(14)~~ (13)**

Delete: Schrom

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

Mr. Nelson introduced—

Senate Resolution No. 49: A Senate resolution extending congratulations to Todd Guse of Austin, Minnesota for winning the 105 pound individual class AA wrestling championship.

Referred to the Committee on Rules and Administration.

**CONFIRMATION**

Mrs. Stokowski, for Mr. Gearty, moved that the report from the Committee on Elections, reported March 6, 1980, pertaining to appointments, be taken from the table. The motion prevailed.

Mrs. Stokowski, for Mr. Gearty, moved that the foregoing report be now adopted. The motion prevailed.

Mrs. Stokowski, for Mr. Gearty, moved that in accordance with the report from the Committee on Elections, reported March 6, 1980, the Senate, having given its advice, do now consent to and confirm the appointment of:

**STATE ETHICAL PRACTICES BOARD**

Elizabeth Ebbott, 409 Birchwood Avenue, White Bear Lake,

Washington County, effective February 12, 1980, for a term expiring the first Monday in January, 1984.

The motion prevailed. So the appointment was confirmed.

### CALENDAR

S. F. No. 1054: A bill for an act relating to Morrison County; allowing free, nonsubscription publications to qualify as legal newspapers in Morrison County.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dunn	Lessard	Merriam	Olson	Penny
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So the bill passed and its title was agreed to.

S. F. No. 1759: A bill for an act relating to counties; providing for sheriffs and deputies compensation and expenses; permitting compensation for use of automobiles; amending Minnesota Statutes 1978, Section 387.20, Subdivisions 1 and 6.

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

So the bill passed and its title was agreed to.

S. F. No. 1653: A bill for an act relating to education; providing individualized instructional materials to nonpublic school pupils; increasing the amount which may be spent for certain materials provided to nonpublic school pupils; amending Minnesota Statutes 1978, Sections 123.932, by adding a subdivision; 123.933; and 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 55 and nays 8, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ashbach	Gunderson	Ogdahl	Spear	Tennessen
Davies	Knutson	Schaaf		

So the bill passed and its title was agreed to.

S. F. No. 1725: A bill for an act relating to education; defining "nonsectarian nonpublic school" and modifying the definition of "neutral site" to include a nonsectarian nonpublic school for purposes of certain sections providing aid to nonpublic school children; amending Minnesota Statutes 1978, Section 123.932, Subdivision 9, 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 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Messrs. Jensen, Knutson and Ogdahl voted in the negative.

So the bill passed and its title was agreed to.

#### 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. 1449, 1674, 1775, 1812 and 1736, which the committee recommends to pass.

S. F. No. 1843, which the committee reports progress, subject to the following motion:

Mr. Laufenburger moved to amend S. F. No. 1843 as follows:

Page 3, line 26, after "*except*" insert "*to quiet title or*"

The motion prevailed. So the amendment was adopted. S. F. No. 1843 was then progressed.

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

#### MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 10:00 o'clock a.m., Tuesday, March 11, 1980. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate