

NINETIETH DAY

St. Paul, Minnesota, Monday, March 31, 1980

The Senate met at 9:30 o'clock a.m. and was called to order by the President.

CALL OF THE SENATE

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

| | | | | |
|-------------|--------------|------------|-------------|------------|
| Ashbach | Gunderson | Luther | Pillsbury | Staples |
| Bang | Hanson | McCutcheon | Purfeerst | Stern |
| Barrette | Humphrey | Menning | Rued | Stokowski |
| Benedict | Jensen | Moe | Schaaf | Strand |
| Bernhagen | Johnson | Nelson | Schmitz | Stumpf |
| Brataas | Keefe, S. | Olhoff | Setzepfandt | Tennessen |
| Chmielewski | Kirchner | Olson | Sieloff | Ueland, A. |
| Davies | Knaak | Omann | Sikorski | Ulland, J. |
| Engler | Knoll | Penny | Sillers | Vega |
| Frederick | Laufenburger | Perpich | Solon | Wegener |
| Gearty | Lessard | Peterson | Spear | Willet |

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

Prayer was offered by the Chaplain, Rev. Robert Moritz.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Mr. Wegener, Mrs. Staples and Mr. Keefe, J. were excused from the Session of today from 11:30 o'clock a.m. to 12:15 o'clock p.m. Mr. Kleinbaum was excused from the Session of today from 9:30 to 10:30 o'clock a.m. Mr. Spear was excused from the Session of today from 10:30 o'clock a.m. until 2:15 o'clock p.m.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Johnson introduced—

S. F. No. 2418: A bill for an act relating to unemployment compensation; creating an acute local unemployment benefits program; establishing eligibility for such benefits; imposing duties upon the commissioner of economic security; appropriating money; amending Minnesota Statutes 1978, Chapter 268, by adding a section.

Referred to the Committee on Employment.

Messrs. Davies, Dieterich, Sieloff, Bernhagen and Tennesen introduced—

S. F. No. 2419: A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors of a noncontroversial nature; amending Laws 1980, Chapters 341, Section 8; 345, Section 17; and 358, Section 2.

Referred to the Committee on Rules and Administration.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

March 28, 1980

The Honorable Edward J. Gearty
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S. F. Nos. 2040, 1716, 1646, 1722, 1645, 1273, 1471, 1403, 1892, 978 and 1796.

Sincerely yours,
Albert H. Quie, Governor

March 27, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives
The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts

of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S. F. No. | H. F. No. | Session Laws Chapter No. | Date Approved 1980 | Date Filed 1980 |
|--------------|--------------|-----------------------------|-----------------------|--------------------|
| 1187 | | 376 | March 27 | March 27 |
| 1188 | | 377 | March 27 | March 27 |
| 1311 | | 378 | March 27 | March 27 |
| 1745 | | 379 | March 27 | March 27 |
| | 1789 | 380 | March 27 | March 27 |
| | 1798 | 381 | March 27 | March 27 |
| | 1892 | 382 | March 27 | March 27 |

Sincerely,
Joan Anderson Growe
Secretary of State

March 28, 1980

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

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S. F. No. | H. F. No. | Session Laws Chapter No. | Date Approved 1980 | Date Filed 1980 |
|--------------|--------------|-----------------------------|-----------------------|--------------------|
| 978 | | 383 | March 28 | March 28 |
| 1273 | | 384 | March 28 | March 28 |
| 1403 | | 385 | March 28 | March 28 |
| 1471 | | 386 | March 28 | March 28 |
| 1645 | | 387 | March 28 | March 28 |
| 1646 | | 388 | March 28 | March 28 |
| 1716 | | 389 | March 28 | March 28 |
| 1722 | | 390 | March 28 | March 28 |
| 1796 | | 391 | March 28 | March 28 |
| 1892 | | 392 | March 28 | March 28 |
| 2040 | | 393 | March 28 | March 28 |

Sincerely,
Joan Anderson Growe
Secretary of State

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the

following Senate Files, herewith returned: S. F. Nos. 523, 2067 and 2071.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 1980

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 768 and repassed said bill in accordance with the report of the Committee, so adopted.

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.

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

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 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. 789: A bill for an act relating to commerce; registering and regulating continuing care facilities; providing a lien; providing for disclosure; providing a penalty; amending Minnesota Statutes 1978, Section 82.18.

Senate File No. 789 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 1980

CONCURRENCE AND REPASSAGE

Mr. Bang moved that the Senate concur in the amendments by the House to S. F. No. 789 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 789: A bill for an act relating to commerce; registering and regulating continuing care facilities; renaming the securities division of the department of commerce; providing a lien; providing for disclosure; providing a penalty; amending Minnesota Statutes 1978, Sections 45.01; and 82.18.

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 62 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|----------|-------------|------------|
| Ashbach | Hanson | Luther | Pillsbury | Stern |
| Bang | Hughes | Menning | Purfeerst | Stokowski |
| Barrette | Humphrey | Merriam | Renneke | Strand |
| Benedict | Jensen | Moe | Rued | Stumpf |
| Bernhagen | Johnson | Nelson | Schaaf | Tennessen |
| Brataas | Keefe, J. | Nichols | Schmitz | Ueland, A. |
| Chmielewski | Keefe, S. | Ogdahl | Setzepfandt | Ulland, J. |
| Davies | Kirchner | Olhoff | Sieloff | Vega |
| Dieterich | Knaak | Olson | Sikorski | Wegener |
| Dunn | Knoll | Omann | Sillers | Willet |
| Engler | Knutson | Penny | Solon | |
| Frederick | Laufenburger | Perpich | Spear | |
| Gearty | Lessard | 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. 919: A bill for an act relating to the town of Winona; providing for the employment of building officials by the town of Winona.

Senate File No. 919 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 1980

CONCURRENCE AND REPASSAGE

Mr. Laufenburger moved that the Senate concur in the amendments by the House to S. F. No. 919 and that the bill be placed on its repassage as amended.

CALL OF THE SENATE

Mr. Laufenburger imposed a call of the Senate for the balance of the proceedings on S. F. No. 919. The following Senators answered to their names:

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

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

The question recurred on the motion of Mr. Laufenburger.

The roll was called, and there were yeas 50 and nays 11, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Ashbach | Gunderson | Knutson | Olson | Sillers |
| Bang | Hanson | Laufenburger | Omamn | Solon |
| Barrette | Hughes | Lessard | Penny | Staples |
| Bernhagen | Johnson | McCutcheon | Peterson | Stern |
| Brataas | Keefe, J. | Menning | Pillsbury | Stokowski |
| Chmielewski | Keefe, S. | Merriam | Purfeerst | Stumpf |
| Coleman | Kirchner | Moe | Rued | Ueland, A. |
| Dunn | Kleinbaum | Nelson | Schmitz | Ulland, J. |
| Engler | Knaak | Nichols | Setzepfandt | Wegener |
| Gearty | Knoll | Ogdahl | Sikorski | Willet |

Those who voted in the negative were:

| | | | | |
|-----------|----------|---------|---------|-----------|
| Benedict | Humphrey | Olhoft | Sieloff | Tennessee |
| Davies | Luther | Perpich | Strand | Vega |
| Dieterich | | | | |

The motion prevailed.

S. F. No. 919: A bill for an act relating to the town of Winona; providing for the employment of a building official by the town of Winona; setting forth time limits for the accrual of certain actions involving construction and improvements to real property; amending Minnesota Statutes 1978, Section 541.051, Subdivisions 1, 2, and 4.

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 54 and nays 9, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Gunderson | Knutson | Penny | Solon |
| Ashbach | Hanson | Laufenburger | Peterson | Staples |
| Bang | Hughes | Menning | Pillsbury | Stern |
| Barrette | Jensen | Merriam | Purfeerst | Stokowski |
| Benedict | Johnson | Moe | Renneke | Strand |
| Bernhagen | Keefe, J. | Nelson | Rued | Stumpf |
| Brataas | Keefe, S. | Nichols | Schaaf | Ueland, A. |
| Chmielewski | Kirchner | Ogdahl | Schmitz | Ulland, J. |
| Dunn | Kleinbaum | Olhoft | Setzepfandt | Wegener |
| Engler | Knaak | Olson | Sikorski | Willet |
| Gearty | Knoll | Omamn | Sillers | |

Those who voted in the negative were:

| | | | | |
|-----------|----------|---------|-----------|------|
| Davies | Humphrey | Luther | Sieloff | Vega |
| Dieterich | Lessard | Perpich | Tennessee | |

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. 2095: A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

Senate File No. 2095 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1980

Mrs. Staples moved that the Senate do not concur in the amendments by the House to S. F. No. 2095 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S. F. No. 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.

Senate File No. 1759 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1980

CONCURRENCE AND REPASSAGE

Mr. Schmitz moved that the Senate concur in the amendments by the House to S. F. No. 1759 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1759: A bill for an act relating to counties; providing for the responsibilities and appointments of deputy county treasurers; providing for sheriffs and deputies compensation and expenses; permitting compensation for use of automobiles; authorizing the county board of Dakota County to set amount for expense account; permitting units to contract with each other for police service; amending Minnesota Statutes 1978, Sections 385.02, Subdivision 1; 387.20, Subdivisions 1 and 6; 436.05; and Chapter 387, by adding a section; and Laws 1961, Chapter 249, Section 2, as amended.

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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 2045: A bill for an act relating to state lands; providing for the conveyance of certain lands to the city of Owatonna.

Senate File No. 2045 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1980

CONCURRENCE AND REPASSAGE

Mr. Frederick moved that the Senate concur in the amendments by the House to S. F. No. 2045 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2045 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE—CONTINUED

Mr. President:

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

S. F. No. 704: A bill for an act relating to savings banks; authorizing service corporations and also authorizing certain detached facilities; amending Minnesota Statutes 1978, Chapter 50, by adding sections.

Senate File No. 704 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1980

CONCURRENCE AND REPASSAGE

Mr. Davies moved that the Senate concur in the amendments by the House to S. F. No. 704 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 704: A bill for an act relating to savings banks; authorizing certain detached facilities; amending Minnesota Statutes 1978, Chapter 50, by adding a section.

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

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

The roll was called, and there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|--------------|-----------|-----------|
| Bang | Gearty | Laufenburger | Schaaf | Strand |
| Barrette | Gunderson | Luther | Sieloff | Stumpf |
| Benedict | Hanson | Moe | Sikorski | Tennessen |
| Brataas | Johnson | Nelson | Sillers | Vega |
| Coleman | Keefe, S. | Nichols | Solon | |
| Davies | Kleinbaum | Ogdahl | Staples | |
| Dieterich | Knoll | Perpich | Stern | |
| Dunn | Knutson | Pillsbury | Stokowski | |

Those who voted in the negative were:

| | | | | |
|-------------|-----------|---------|-------------|------------|
| Anderson | Hughes | Lessard | Penny | Ueland, A. |
| Ashbach | Humphrey | Menning | Purfeerst | Ulland, J. |
| Bernhagen | Jensen | Merriam | Renneke | Wegener |
| Chmielewski | Keefe, J. | Olhoft | Rued | Willet |
| Engler | Kirchner | Olson | Schmitz | |
| Frederick | Knaak | Omann | Setzepfandt | |

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. 49: A bill for an act relating to taxation; authorizing the establishment of individual housing accounts; providing that contributions to an account which are used exclusively in connection with the purchase of a first principal residence are deductible; providing tax penalties; amending Minnesota Statutes 1978, Sections 48.159; 50.157; 51A.21, by adding a subdivision; 290.09, by adding a subdivision; 290.17, Subdivision 2; and Chapter 52, by adding a section.

Senate File No. 49 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1980

CONCURRENCE AND REPASSAGE

Mr. Benedict moved that the Senate concur in the amendments by the House to S. F. No. 49 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 49: A bill for an act relating to taxation; authorizing the establishment of individual housing accounts; providing that contributions to an account which are used exclusively in connection with the purchase of a first principal residence are deductible; providing tax penalties; amending Minnesota Statutes 1978, Sections 48.159; 50.157; 51A.21, by adding a subdivision; 290.09, by adding a subdivision; 290.17, Subdivision 2; and Chapter 52, by adding a section and Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

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

The roll was called, and there were yeas 53 and nays 7, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Frederick | Laufenburger | Omann | Sikorski |
| Ashbach | Gearty | Lessard | Penny | Solon |
| Bang | Gunderson | Luther | Perpich | Staples |
| Barrette | Hanson | McCutcheon | Pillsbury | Stokowski |
| Benedict | Humphrey | Menning | Purfeerst | Strand |
| Bernhagen | Jensen | Moe | Renneke | Ueland, A. |
| Brataas | Johnson | Nelson | Rued | Ulland, J. |
| Chmielewski | Keefe, J. | Nichols | Schaaf | Vega |
| Coleman | Kleinbaum | Ogdahl | Schmitz | Willet |
| Dieterich | Knaak | Olhoff | Setzepfandt | |
| Dunn | Knutson | Olson | Sieloff | |

Those who voted in the negative were:

| | | | | |
|--------|-----------|---------|--------|---------|
| Davies | Keefe, S. | Sillers | Stumpf | Wegener |
| Engler | Merriam | | | |

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. 2062: A bill for an act relating to financial institutions; providing for interest rates on certain installment loans and open end loan account arrangements; granting certain lending powers to savings associations and savings and loan associations; amending Minnesota Statutes 1978, Sections 48.153; 51A.21, by adding a subdivision; and 52.14.

Senate File No. 2062 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 1980

Mr. Laufenburger moved that S. F. No. 2062 be laid on the table. The motion prevailed.

Mr. President:

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

S. F. No. 1865: A bill for an act relating to motor vehicles; clarifying penalty provisions for certain traffic violations; clarify-

ing provisions which prohibit the operation of a motor vehicle while a driver's license is revoked or suspended; amending Minnesota Statutes 1978, Sections 169.141, Subdivision 2; 169.89, Subdivision 1; 171.20, Subdivision 2; and 171.24.

Senate File No. 1865 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 1980

CONCURRENCE AND REPASSAGE

Mr. Sieloff moved that the Senate concur in the amendments by the House to S. F. No. 1865 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 1865 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 1, as follows:

Those who voted in the affirmative were:

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

Mr. Keefe, J. voted in the negative.

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

CONCURRENCE AND REPASSAGE

Mr. Laufenburger moved that S. F. No. 2062 be taken from the table. The motion prevailed.

S. F. No. 2062: A bill for an act relating to financial institutions; providing for interest rates on certain installment loans and open end loan account arrangements; granting certain lending powers to savings associations and savings and loan associations; amending Minnesota Statutes 1978, Sections 48.153; 51A.21, by adding a subdivision; and 52.14.

Mr. Laufenburger moved that the Senate concur in the amendments by the House to S. F. No. 2062 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2062 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 54 and nays 10, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|--------------|-------------|------------|
| Anderson | Gearty | Laufenburger | Peterson | Staples |
| Ashbach | Gunderson | Luther | Pillsbury | Stern |
| Bang | Hanson | Menning | Purfeerst | Stokowski |
| Barrette | Hughes | Moe | Renneke | Strand |
| Bernhagen | Jensen | Nelson | Rued | Stumpf |
| Brataas | Keefe, J. | Nichols | Schaaf | Tennessee |
| Coleman | Keefe, S. | Ogdahl | Schmitz | Ueland, A. |
| Davies | Kleinbaum | Olhoff | Setzepfandt | Ulland, J. |
| Dunn | Knaak | Olson | Sieloff | Vega |
| Engler | Knoll | Omamn | Sillers | Wegener |
| Frederick | Knutson | Penny | Solon | |

Those who voted in the negative were:

| | | | | |
|-------------|-----------|---------|---------|----------|
| Benedict | Dieterich | Johnson | Merriam | Sikorski |
| Chmielewski | Humphrey | Lessard | Perpich | Willet |

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 refuses to concur in the Senate amendments to House File No. 1710:

H. F. No. 1710: A bill for an act relating to energy; stating legislative energy policy; providing grants and assistance for community energy planning; assessment of fees for residential energy audits; providing grants for residential heating costs and weatherization; providing guidelines for a state plan for spending federal money; reimbursing counties for heating emergency assistance expenses; defining large energy facilities; authorizing subdivisions to levy for certain energy related activities; providing grants for energy research and development projects; providing education on building energy efficiency; energy audits; ethanol plant demonstration project; creating the alcohol fuels information center; directing the public service commission to establish a pilot project allowing utilities to make conservation investments for customers; appropriating money; amending Minnesota Statutes 1978, Sections 116H.01; 116H.087; 116H.12, Subdivision 11; 216B.16, by adding a subdivision; 275.50, by adding a subdivision; 462A.05, by adding a subdivision; 462A.21, by adding a subdivision; Chapter 216B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 116H.02, Subdivision 5; 116H.085; 116H.13, Subdivisions 3 and 7; 116H.22; and 268.37; repealing Minnesota Statutes 1978, Sections 116H.125; and 325.986, Subdivisions 1 and 2.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Nelson, Stoa and Dean have been appointed as such committee on the part of the House.

House File No. 1710 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1980

Mr. Humphrey moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1710, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2023:

H. F. No. 2023: A bill for an act relating to waste management; establishing a waste management board and a legislative commission; establishing a state government resource recovery program; establishing solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding subdivisions; 116.081, Subdivision 1; 116.101; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.801, Subdivision 1; 473.802; 473.803; 473.811; 473.813; 473.823, Subdivision 3, and by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.02, Subdivisions 3, 4, and 5; 116F.03; 116F.04; 116F.05, Subdivision 2; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; 473.823, Subdivisions 1, 2, and 4; and Laws 1978, Chapter 72B, Section 7.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Cassery, Schreiber and Pehler have been appointed as such committee on the part of the House.

House File No. 2023 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 28, 1980

Mr. Merriam moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2023, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1727:

H. F. No. 1727: 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; 259.27, Subdivision 4; and Chapter 259, by adding a section; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Faricy; Sieben, M. and Dempsey have been appointed as such committee on the part of the House.

House File No. 1727 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 28, 1980

Mr. Davies moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1727, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S. F. No. 2184.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 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. 2134: A bill for an act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of and authorization for dam repair and reconstruction grants; authorizing the employment of a person to administer grants; appropriating money; amending Minnesota Statutes 1978,

Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

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

Lehto, Munger and Stowell.

Senate File No. 2134 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 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. 1875: A bill for an act relating to commerce; providing for ownership rights in dies and molds under certain conditions.

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

Kroening, Zubay and Jacobs.

Senate File No. 1875 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 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. 1843: A bill for an act relating to transportation; establishing a state rail bank for abandoned rail lines; amending Minnesota Statutes 1978, Chapter 222, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

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

Lehto; Anderson, B. and Anderson, D.

Senate File No. 1843 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 28, 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. 1141: A bill for an act relating to hearing impaired persons; establishing regional service centers and advisory committees; establishing a statewide interpreter referral service; providing for a program of training and employment; prescribing duties for the commissioner of public welfare; establishing an office on hearing impairment; providing for an advisory committee for the state council for the handicapped; prescribing duties for the department of health; providing for a study by the state planning agency; appropriating money.

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

Heinitz, McCarron and Forsythe.

Senate File No. 1141 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 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. 702: A bill for an act relating to health; requiring counties to establish local nursing home pre-admission screening teams; prescribing duties of the teams and the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1978, Chapter 256B, by adding a section.

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

Berglin, Welch and Heinitz.

Senate File No. 702 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 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. 480: A bill for an act relating to public health; authorizing the funding of a statewide poison information center; giving grant and program monitoring responsibilities to the commissioner of health; appropriating money.

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

Onnen, Reif and Berkelman.

Senate File No. 480 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 1980

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H. F. No. 1878.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 28, 1980

Mr. President:

I have the honor to announce that the House wishes to recall for the purpose of further consideration House File No. 1169.

H. F. No. 1169: A bill for an act relating to census taking; providing for the taking of special censuses by the United States bureau of the census rather than the secretary of state; providing for the approval of school district population estimates by the state demographer; providing for annual population estimates of governmental subdivisions by the state demographer and their use in the computation of tax levy limits and local government aid; abolishing the authority of the municipal board to determine the population of municipalities and towns; amending Minnesota Statutes 1978, Sections 4.12, Subdivision 7; 275.14; 275.45; 275.53; 414.01, Subdivision 14; 477A.01, Subdivision 4; and Chapter 477A, by adding a section; repealing Minnesota Statutes 1978, Sections 365.61; and 414.033, Subdivision 8.

Edward A. Burdick, Chief Clerk, House of Representatives
March 27, 1980

Mr. Anderson moved that the Senate accede to the request of the House for the recall of H. F. No. 1169 for further consideration. The motion prevailed.

REPORTS OF COMMITTEES

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

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

H. F. Nos. 160, 729, 902, 1047, 1138, 1201, 1603, 1847, 1942, 1945, 2035, and 2149 for comparison with companion Senate Files, reports the following House Files were found not identical with their companion Senate Files as follows:

| GENERAL ORDERS | | CONSENT CALENDAR | | CALENDAR | |
|----------------|-----------|------------------|-----------|-----------|-----------|
| H. F. No. | S. F. No. | H. F. No. | S. F. No. | H. F. No. | S. F. No. |
| 902 | 1067 | | | 160 | 723 |
| 1047 | 376 | | | 729 | 750 |
| 1603 | 1581 | | | 1138 | 620 |
| 1847 | 1883 | | | 1201 | 2351 |
| 1942 | 1943 | | | 2035 | 1986 |
| 1945 | 2292 | | | | |
| 2149 | 2003 | | | | |

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 160 be amended as follows:

Page 3, line 1, strike “, beginning in July 1979,”

Page 3, line 4, after “act” and before the period insert: “, and shall disregard income of disabled persons that is also disregarded in determining eligibility for supplemental aid under section 256D.37, subdivision 1”

Page 3, lines 4 to 10, delete *“In assessing income, the income disregard available to disabled persons who are not residents of long term care facilities in determining eligibility for supplemental aid under Minnesota Statutes, Section 256D.37, Subdivision 1, shall be applied to disabled persons who are not residents of long term care facilities under this section.”*

Page 4, line 15, strike “or recipients of”

Page 4, line 32, after “are” insert “not”

Page 5, line 3, delete “of” and insert “for”

Page 5, line 14, after “disabled” insert a comma

Page 5, line 17, after “facilities” insert a comma

Page 6, line 4, delete “\$80,500” and insert “\$47,500”

Page 6, line 6, delete “this act” and insert “sections 1 to 3”

And when so amended H. F. No. 160 will be identical to S. F. No. 723, and further recommends that H. F. No. 160 be given its second reading and substituted for S. F. No. 723, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 729 be amended as follows:

Page 2, line 12, after “audits” insert *“at the same time as cost report audits required under section 256B.27, subdivision 2a, and at any other time but”*

Page 2, line 13, after “years” insert a comma

Page 2, lines 14 and 15, delete *“by the skilled nursing home or intermediate care facility”*

Page 2, lines 17 to 19, delete *“The field audits may be conducted at the same time as cost report audits required under section 256B.27, subdivision 2a.”*

Page 2, line 27, delete "*shall*" and insert "*may*"

Page 3, delete lines 15 to 17

Page 3, line 18, delete "3" and insert "2" and delete "\$540,000" and insert "\$905,000"

Page 3, lines 20 and 21, delete "*for purposes of section 1, subdivision 1. This appropriation is available until June 30, 1981.*" and insert "*to pay the increased personal needs allowance authorized by section 1.*"

And when so amended H. F. No. 729 will be identical to S. F. No. 750, and further recommends that H. F. No. 729 be given its second reading and substituted for S. F. No. 750, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 902 be amended as follows:

Page 2, lines 2 and 3, delete "*of the Minnesota department of natural resources*"

Page 2, lines 8 and 9, delete "*of the Minnesota department of natural resources*"

Page 2, lines 17 and 18, delete "*of the Minnesota department of natural resources*"

Page 2, lines 28 and 29, delete "*of the Minnesota department of natural resources*"

Page 3, lines 1 and 2, delete "*of the Minnesota department of natural resources*"

Page 3, after line 8, insert:

"Sec. 2. [APPROPRIATION.] *The sum of \$30,000 is appropriated from the general fund to the commissioner of natural resources for the purposes of purchasing motorboat noise monitoring equipment, training department personnel and county sheriff's departments in the use of the equipment, and general enforcement of the noise limits contained in section 361.17, subdivision 6, and shall be available until June 30, 1981.*"

Page 3, line 9, delete "2" and insert "3" and delete "*This act is*" and insert "*Sections 1 and 2 are*"

Amend the title as follows:

Page 1, line 3, after "*motorboats;*" insert "*appropriating money;*"

And when so amended H. F. No. 902 will be identical to S. F. No. 1067, and further recommends that H. F. No. 902 be given its second reading and substituted for S. F. No. 1067, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1047 be amended as follows:

Page 3, line 18, after "*that*" insert a colon

Page 3, lines 18 to 23, delete *"the amount of all bonds issued for this purpose and interest on them which are due and payable in any year shall not exceed an amount equal to four mills times the assessed value of taxable property within the county, as last determined before the bonds are issued."* and insert:

"(a) The amount of all bonds issued for this purpose and interest on them which are due and payable in any year shall not exceed an amount equal to four mills times the assessed value of taxable property within the county, as last determined before the bonds are issued; and

(b) No election shall be required, if the issuance of the bonds is authorized by resolution of the county board after a public hearing on the acquisition or betterment of the jail, held upon notice published in the official county newspaper on a date at least 30 days before the hearing, stating the time and place of the hearing, the place where the plans approved by the commissioner of corrections may be examined, and the estimated cost including all incidental costs."

And when so amended H. F. No. 1047 will be identical to S. F. No. 376, and further recommends that H. F. No. 1047 be given its second reading and substituted for S. F. No. 376, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1138 be amended as follows:

Page 2, delete lines 1 to 8

Page 2, line 9, delete "4" and insert "3"

Page 2, line 14, after *"legislature"* insert a comma

Amend the title as follows:

Page 1, lines 2 to 5, delete *"local governmental units to establish training programs for local government officials in conjunction with certain organizations"* and insert *"the establishment of local government official training programs"*

And when so amended H. F. No. 1138 will be identical to S. F. No. 620, and further recommends that H. F. No. 1138 be given its second reading and substituted for S. F. No. 620, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1201 be amended as follows:

Delete page 1, line 22 to page 2, line 8

Page 2, line 9, delete *"Sec. 2."* and insert *"Section 1."*

Page 3, line 2, delete *"Any watercraft"* and insert *"Rental boats"* and delete *"which is"*

Page 3, line 3, delete *"rented or leased or offered for rent or lease"*

Page 3, line 4, delete ", sailboats"

Page 3, line 5, delete "\$7.50" and insert "\$7"

Page 3, line 7, delete "\$10" and insert "\$12"

Page 3, line 15, delete "more than 19 feet" and insert "19 feet or more"

Delete page 3, line 20 to Page 13, line 29

Amend the title as follows:

Page 1, lines 2 to 9, delete "providing for watercraft licensing and safe operation; altering certain definitions; changing license fees; authorizing a temporary certificate; stating the evidentiary effect of certain blood tests; altering certain safety requirements and motor noise limits; providing an outline for distributing water safety enforcement funds; appropriating money;" and insert "changing watercraft license fees;"

Page 1, lines 10 and 11, delete "Sections 361.02, by adding subdivisions;" and insert "Section"

Page 1, line 11, Delete "Subdivisions" and insert "Subdivision" and delete "and"

Page 1, delete lines 12 to 19

And when so amended H. F. No. 1201 will be identical to S. F. No. 2351, and further recommends that H. F. No. 1201 be given its second reading and substituted for S. F. No. 2351, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1603 be amended as follows:

Page 2, line 8, strike the comma

Page 6, line 11, strike "256D.19" and insert "256D.21"

Page 17, line 2, reinstate the stricken "if"

Page 17, line 3, delete "when"

Page 17, line 8, reinstate the stricken language

Page 17, line 9, reinstate "then that other county"

Page 17, lines 12 and 13, delete "then the county in which the individual resided immediately prior thereto"

Page 18, delete lines 7 to 9

Page 18, line 10, delete "32" and insert "31" and delete "\$226,000" and insert "\$226,450"

Page 18, lines 12 and 13, delete "for purposes of sections 12 and 15 of this act. This appropriation is available until June 30, 1981 and shall be expended only if federal general revenue sharing is received in the approximate amount of \$34,000,000 in the federal fiscal year 1981" and insert "to pay increased costs authorized by this act, to be available for the fiscal year ending June 30, 1981"

Page 18, after line 16, insert

"Sec. 32. [EFFECTIVE DATE.] Sections 12 and 15 are effective January 1, 1981. The remaining sections 1 to 30 are effective July 1, 1980."

And when so amended H. F. No. 1603 will be identical to S. F. No. 1581, and further recommends that H. F. No. 1603 be given its second reading and substituted for S. F. No. 1581, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1847 be amended as follows:

Page 2, after line 12, insert:

"Sec. 2. Minnesota Statutes 1978, Section 256B.47, is amended by adding a subdivision to read:

Subd. 5. The commissioner shall promulgate rules no later than August 1, 1980, to amend the current rules governing nursing home reimbursement, in accordance with sections 15.0411 to 15.052, to:

(a) Revise the formula for allowable raw food cost increases based on the Food at Home Index of the federal Bureau of Labor and update the total per diem food allowance in order to reconcile it with the 1980 Food at Home Index; and

(b) Allow providers to allocate their resources in order to provide as many nursing hours as necessary within the total cost limitations of the per diem already granted.

Sec. 3. [STATEMENT OF PURPOSE.] The legislature finds that general health is related to dental health and, due to the increased longevity of the population, the expansion of the nursing home industry, and the existing unmet and continuing needs for dental health in nursing homes, it is appropriate and necessary to establish programs for residents of nursing homes which promote dental health and prevent dental disease.

Sec. 4. [PROGRAM ASPECTS.] Subdivision 1. The commissioner of health shall provide for the establishment of nursing home dental health programs as provided in this section.

Subd. 2. The commissioner shall:

(a) Develop, maintain, and distribute to nursing homes a dental health manual which identifies their administrative and patient care responsibilities and which recommends a local dental health policy;

(b) Establish, in conjunction with the dental profession, nursing home dental health standards, priorities of dental operations and guidelines for advisory dentists;

(c) Review existing nursing home dental health regulations to insure their consistency with current oral health standards;

(d) Seek the cooperation and coordination of a joint statewide effort between the dental profession, the nursing home industry and senior citizen organizations to promote the purpose of this section; and

(e) *Provide technical dental health assistance, dental consultation, and current dental health information to nursing homes.*

Subd. 3. In each of the eight health department districts, the commissioner shall establish during the biennial cycle a specific site program for nursing homes each to include:

(a) *The analysis and identification of resident dental care needs and obstacles to access and the achievement of optimal oral health care and maintenance; and*

(b) *A training program of preventive oral health practices for nursing home staff.*

Sec. 5. [PROGRAM SUPERVISION.] *The commissioner shall provide for all administrative and technical responsibilities for section 4. The development and administration of the program shall be under a licensed dentist.*

Sec. 6. [REPORT.] *The commissioner shall compile, analyze, and evaluate programmatic data and accomplishments related to sections 4 and 5."*

Page 2, line 13, delete "2" and insert "7" and before "The" insert "Subdivision 1."

Page 2, line 17, delete "These funds shall be" and insert "This appropriation is"

Page 2, after line 18, insert:

"Subd. 2. The sum of \$40,000 is appropriated from the general fund to the commissioner of public welfare for the purpose of providing an ongoing computer based information retrieval system that includes the annual cost report information and the balance sheet and statement of changes in financial position from the audited financial statement required by section 256B.48, subdivision 2, clause (a). This appropriation is available until June 30, 1981.

Subd. 3. The sum of \$60,000 is appropriated from the general fund to the commissioner of health for nursing home dental health programs, to be available until June 30, 1981."

Page 2, line 19, delete "3" and insert "8"

Underscore all new text

Amend the title as follows:

Page 1, line 4, after "formula;" insert "providing for an information retrieval system; providing for nursing home dental health programs;"

Page 1, line 4, after "money" insert "; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision"

And when so amended H. F. No. 1847 will be identical to S. F. No. 1883, and further recommends that H. F. No. 1847 be given its second reading and substituted for S. F. No. 1883, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1942 be amended as follows:

Page 1, delete lines 13 to 19

Page 1, line 20, delete "Sec. 2." and insert "Section 1."

Page 2, line 15, delete "clearly"

Page 2, line 16, delete "entity" and insert "facility"

Page 2, line 21, delete "245.813;" and insert "245.812; or"

Page 2, lines 22 to 24, delete "; or any entity required to be certified for participation in Titles XVIII or XIX of the Social Security Act, 42 U.S.C. 1395 et seq"

Page 2, line 26, after "older" insert "who"

Page 2, line 27, delete "Who"

Page 2, line 28, delete "Who"

Page 2, line 31, delete "Who,"

Page 3, line 3, before "has" insert "(1)"

Page 3, line 4, after "or" insert "(2)"

Page 3, line 10, delete "infliction of physical injury, the" and after "intentional" insert "and nontherapeutic"

Page 3, line 11, delete the comma and insert "or injury"

Page 3, delete lines 13 and 14

Page 3, line 17, after "care" insert a comma

Page 3, delete lines 27 and 28, and insert:

"(3) The commissioner of corrections, for facilities required by section 241.021 to be licensed;

(4) Any licensing board which regulates persons engaged in health related and non-health related service occupations, such as the board of medical examiners, the board of examiners for nursing home administrators, the board of nursing, the board of dentistry, the board of examiners of psychologists, the board of teaching, and similar boards; and"

Page 3, line 29, delete "(4)" and insert "(5)"

Page 3, after line 30, insert:

"(h) "Local welfare board" means the county welfare board or a board designated by the county board pursuant to section 256E.08, subdivision 4."

Page 3, line 32, after "the" insert "practice of the healing arts, nursing, nursing home administration, social services, hospital administration, psychological or psychiatric treatment,"

Page 3, line 33, after "education," insert "or"

Page 3, line 33 to Page 4, line 2, delete "or any of the regulated occupations referenced in subdivision 2, clause (g) (3) and (4),"

Page 4, line 10, after "sheriff," insert "or"

Page 10, lines 11 and 12, delete "agency, or appropriate licensing or certifying agency" and insert "department, county sheriff, or local welfare board"

Page 4, line 14, delete "agency" and insert "board" and before "upon" delete "agency," and insert "board,"

Page 4, lines 16 and 17, delete "and the appropriate licensing agency or agencies" and after the period insert: "Nothing in this subdivision shall be construed to require the reporting or transmittal of information regarding an incident of abuse or neglect or suspected abuse or neglect if the incident has been reported or transmitted to the appropriate person or entity."

Page 4, lines 19 and 20, delete "as described above" and insert: "to the local welfare board, police department, or county sheriff, or if the report involved a facility licensed by a public agency, to the appropriate licensing agency if he has knowledge of or reasonable cause to believe a vulnerable adult is being abused or neglected. The police department or the county sheriff or the licensing agency, upon receiving a report, shall immediately notify the local welfare board. The local welfare board or licensing agency, upon receiving a report, shall immediately notify the police department or the county sheriff."

Page 4, line 22, delete "department" and insert "board"

Page 4, delete lines 24 and 25

Page 4, after line 25, insert:

Subd. 4. [IMMUNITY FROM LIABILITY.] A person, including a person voluntarily making reports and a person required to make reports under subdivision 3, participating in good faith in making a report pursuant to this section shall have immunity from any civil liability that otherwise might result from making the report.

Subd. 5. [FALSIFIED REPORTS.] A person who intentionally makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Subd. 6. [FAILURE TO REPORT.] (a) A person required to report by this section who intentionally fails to report is guilty of a misdemeanor.

(b) A person required by this section to report who negligently or intentionally fails to report is liable for damages caused by the failure."

Page 4, line 26, delete "4." and insert "7."

Page 4, line 31, after "sheriff," insert "or"

Page 4, lines 31 and 32, delete *"agency, or appropriate licensing agency"* and insert *"board"*

Page 5, line 7, delete *"agency"* and insert *"board"*

Page 5, line 10, delete *"department"* and insert *"board"*

Page 5, lines 11 and 12, delete *"and the appropriate licensing agency or agencies"*

Page 5, line 13, delete *"agency"* and insert *"board"*

Page 5, line 15, delete *"agencies"* and insert *"boards"*

Page 5, line 18, delete the second comma and insert *"immediately"*

Page 5, delete lines 19 to 23

Page 5, line 30, delete *"agency"* and insert *"board"*

Page 5, line 32, delete *"agency"* and insert *"board"*

Page 6, line 5, delete *"agencies"* and insert *"boards"*

Page 6, delete lines 9 to 25

Page 6, lines 29 and 30, delete *"lack of competency under Minnesota Statutes, Section 595.02"* and insert *"either a physician-patient or husband-wife privilege"*

Page 7, line 4, delete *"agency"* and insert *"board"*

Page 7, lines 5 and 6, delete *"or appropriate licensing agency or agencies"*

Page 7, line 9, delete *"agency"* and insert *"board"*

Page 7, line 10, delete *"AGENCY"* and insert *"BOARD"*

Page 7, line 11, delete *"agency"* and insert *"board"*

Page 7, line 16, delete *"agencies"* and insert *"boards"*

Page 7, lines 19, 25, 27, and 33, delete *"agency"* and insert *"board"*

Page 8, lines 2 and 7, delete *"agency"* and insert *"board"*

Page 8, lines 20 and 21, delete *"Subject to the provisions of Minnesota Statutes, Sections 15.162 to 15.1671,"*

Page 9, line 10, delete *"agencies"* and insert *"boards"*

Page 9, lines 23 and 24, delete *"in accordance with provisions of subdivision 4, clause (a)"* and insert *"immediately"*

Page 10, line 2, delete *"agency"* and insert *"board"*

Page 10, delete lines 6 to 21

Page 10, line 22, delete *"14."* and insert *"13."*

Page 10, line 32, delete *"vulnerable adult residing there"* and insert *"person residing at or receiving services from it"*

Page 10, line 33 to Page 11, line 2, delete "*Facilities designated in subdivision 2, clause (b) (2) shall develop plans for any vulnerable adults receiving services from them.*"

Page 11, line 7, delete "15." and insert "14."

Page 11, line 14, delete "16." and insert "15."

Page 11, line 16, delete "*passage of temporary rules*" and insert "*this section*"

Page 11, delete lines 22 to 26, and insert:

"(b) *Each licensing agency shall promulgate rules within 180 days of the effective date of this section to implement the requirements of subdivisions 11, 12, 13, 14, and 15 clause (a).*"

Page 11, line 29, delete "*subdivision 10*" and insert "*subdivisions 10 and 17*"

Page 11, line 30, delete "17." and insert "16."

Page 12, line 5, delete "up to" and insert "*in the amount of*"

Page 12, line 6, delete "*There shall be a rebuttable presumption that*"

Page 12, line 8, before "*retaliatory*" insert "*presumed to be*" and after "*retaliatory*" insert "*, but the presumption may be rebutted*"

Page 12, line 21, delete "18." and insert "17."

Page 12, after line 25, insert:

"*Subd. 18. [PENALTY.] Any caretaker, as defined in section 1, subdivision 2, or operator or employee thereof, or volunteer worker thereat, who intentionally abuses or neglects a vulnerable adult, or being a caretaker, permits conditions to exist which result in the abuse or neglect of a vulnerable adult, may be charged with violation of section 609.23.*"

Page 12, line 26, delete "3" and insert "2"

Page 12, line 27, delete ", Subdivisions 2, 3, 4, 5, 6, 7, 8, and 9,"

Page 12, line 29, delete "4" and insert "3" and delete "\$113,000" and insert "\$140,000"

Page 12, line 31, delete "2" and insert "1" and delete "16 and 18" and insert "15 and 17"

Page 12, line 32, after the period insert "*The approved complement of the department of public welfare is increased by two positions.*"

Page 12, line 33, delete "5" and insert "4" and delete "4" and insert "3"

Page 13, line 1, delete "*January 1, 1981*" and insert "*the day following final enactment*"

And when so amended H. F. No. 1942 will be identical to S. F. No. 1943, and further recommends that H. F. No. 1942 be given its second reading and substituted for S. F. No. 1943, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 1945 be amended as follows:

Page 3, line 6, delete "the state of Minnesota,"

Page 5, lines 21 to 26, delete: "The board shall provide for the keeping of a full and accurate record of all proceedings and of resolutions, regulations, and orders issued or adopted; the state auditor shall, as time and resources permit, annually audit the books of said regional railroad authority."

Page 7, lines 4 to 8, delete: "Interstate Commerce Commission, or another authority with power to make the finding, has found that the public convenience and necessity permit discontinuance of rail service on the property" and insert "property is the subject of an abandonment petition filed with the interstate commerce commission"

Page 7, lines 27 and 28, delete "Minnesota Statutes,"

Page 9, line 16, after "that" insert a colon

Page 9, lines 17 to 20, delete: "Minnesota Statutes, Sections 272.01, Subdivision 2, and 273.19 shall apply to any use or lease of the property, other than operation of a railroad line by a railroad company." and insert:

"(a) Minnesota Statutes, Sections 272.01 and 273.19 shall apply to any use or lease of the property, other than operation of a railroad line by a railroad company; and

(b) Minnesota Statutes, Chapter 295 shall apply to gross earnings derived by a railroad company from the operation of a railroad line owned or leased by the authority until the time of its repeal pursuant to Laws 1979, Chapter 303, Article VII, Section 16."

Delete page 14, line 9 to page 15, line 8

Page 15, line 9, delete "9" and insert "8"

Page 15, delete lines 18 and 19

Amend the title as follows:

Page 1, line 4, delete "; providing for audits"

And when so amended H. F. No. 1945 will be identical to S. F. No. 2292, and further recommends that H. F. No. 1945 be given its second reading and substituted for S. F. No. 2292, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2035 be amended as follows:

Page 2, lines 31 and 32, delete "*this act*" and insert "*sections 1 and 2*"

Page 2, after line 33, insert:

"Sec. 4. WHEREAS, Sixty-three years ago, the Nation declared war on Germany and Austria in defense of freedom of the seas and over four and one-half million young Americans left their jobs and classrooms to help win the war that was "To make the World safe for Democracy"; and,

WHEREAS, a large percentage of these veterans are house-bound and in need of care; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the State of Minnesota, that Congress pay the debt that America owes these needy, aged, veterans by enacting H. R. 1918 into law.

BE IT FURTHER RESOLVED that the Secretary of State of the State of Minnesota is instructed to transmit enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to the Minnesota Senators and Representatives in Congress.

Sec. 5. The sum of \$5,000 is appropriated from the general fund to the department of veterans' affairs for the purpose of establishing a suitable memorial to Minnesota's war dead in Memorial Hall at Arlington National Cemetery. The funds are available until expended."

Page 3, line 1, delete "4" and insert "6"

Amend the title as follows:

Page 1, line 5, after "monument;" insert "authorizing a memorial to Minnesota's war dead in Arlington National Cemetery; memorializing Congress to pass H. R. 1918, a service pension for veterans of World War One and their surviving spouses;"

And when so amended H. F. No. 2035 will be identical to S. F. No. 1986, and further recommends that H. F. No. 2035 be given its second reading and substituted for S. F. No. 1986, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H. F. No. 2149 be amended as follows:

Page 2, line 9, strike "such" and "and"

Page 2, line 10, strike "regulations as"

Page 2, line 21, after "Subd. 2." insert "[APPROVAL OF CENTERS AND CLINICS.]"

Page 2, lines 21 and 22, after "commissioner" delete "of public welfare has the authority to" and insert "shall"

Page 2, line 24, after "clinics" insert "as providers for group insurance policies and group subscriber contracts" and delete "Minnesota Statutes 1978."

Page 2, lines 25 and 26, delete "For the purposes of this subdivision"

Page 2, line 28, after "15.052" insert "to implement the provisions of this subdivision"

Page 2, line 30, delete "the rules and"

Page 2, line 31 to Page 3, line 1, delete: "The commissioner may contract with any state agency, individual, corporation or association to which he shall delegate all but final approval and disapproval authority to determine compliance or noncompliance" and insert "An approval is valid for two years and may be renewed. Each mental health clinic approved pursuant to this subdivision shall devote at least two-thirds of its resources to outpatient mental health diagnosis, treatment and consultation."

Page 3, line 4, delete "as"

Page 3, delete lines 4 to 10, and insert: "including as a minimum:

(1) a licensed physician who has completed an approved residency program in psychiatry and a clinical, counseling or health care psychologist with doctorate who is licensed under Minnesota Statutes, Sections 148.88 to 148.98; and two or more of the following:

(A) a clinical social worker with a masters degree in social work from an accredited college or university;

(B) a clinical psychiatric nurse with a masters degree from an accredited college or university who is registered under Minnesota Statutes, Sections 148.171 to 148.285. The masters degree shall be in psychiatric nursing or a related psychiatric nursing program such as public health with a mental health major, or maternal and child health with a mental health major; or

(C) a clinical, counseling, or health care psychologist with a masters degree from an accredited college or university who is licensed under Minnesota Statutes, Sections 148.88 to 148.98.

(2) A mental health center or mental health clinic may provide the staffing required by clause (a) (1) by means of written contracts with professional persons or with other health care providers."

Page 3, lines 15 and 16, delete "in accordance with the rules" and insert "by the physician or psychologist described in clause (a) (1)"

Page 3, line 18, after "provide" insert "for"

Page 3, line 27, after the period insert: "At least three team members of differing professional qualifications, as defined in clause (a), shall be present at each meeting including one psychiatrist and two of the following: a psychologist with a doctorate, a masters level social worker, a masters level clinical psychiatric nurse or a masters level psychologist."

Page 4, line 9, delete "the rules or" and after the period insert: "The commissioner shall establish procedures for determining

compliance or noncompliance with this subdivision, and shall delegate all but final approval and disapproval authority to another state agency, an individual, corporation or association. The commissioner shall authorize a transfer of money collected as fee payments from applicants to the delegate."

Page 4, delete lines 22 to 29, and insert:

"Sec. 2. [EFFECTIVE DATE.] Section 1 is effective the day following its final enactment."

Amend the title as follows:

Page 1, lines 6 and 7, delete "providing for additional rule-making; appropriating money;" and insert "mandating additional rulemaking;"

And when so amended H. F. No. 2149 will be identical to S. F. No. 2003, and further recommends that H. F. No. 2149 be given its second reading and substituted for S. F. No. 2003, and that the Senate File be indefinitely postponed.

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 403, 291, 1706, 2041, 2202, 1806, and H. F. No. 1823, makes the following report:

That the above Senate Files and House File be placed on the General Orders Calendar in the order indicated.

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

SECOND READING OF HOUSE BILLS

H. F. Nos. 160, 729, 902, 1047, 1138, 1201, 1603, 1847, 1942, 1945, 2035 and 2149 were read the second time.

MOTIONS AND RESOLUTIONS

Messrs. Frederick, Benedict and Bang introduced—

Senate Resolution No. 64: A Senate resolution relating to extending congratulations to members of the Bloomington Aquatic Club for their first place finish in the American Athletic Union's State Championship Swim Meet.

Referred to the Committee on Rules and Administration.

Mr. Perpich moved that the vote whereby H. F. No. 1684 was passed by the Senate on March 28, 1980, be now reconsidered. The motion prevailed.

Mr. Perpich moved that H. F. No. 1684 be placed at the top of the Special Orders Calendar. The motion prevailed.

Without objection, the Senate reverted to the Order of Business of First Reading of House Bills.

FIRST READING OF HOUSE BILLS

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

H. F. No. 1878: A bill for an act relating to no-fault automobile insurance; coordinating benefits with medicare and workers' compensation; extending eligibility for the assigned claims plan; eliminating certain mandatory offers; amending Minnesota Statutes 1978, Sections 65B.46, Subdivision 2; 65B.61, Subdivisions 1 and 2, and by adding subdivisions; 65B.64, Subdivision 1; repealing Minnesota Statutes 1978, Section 65B.49, Subdivisions 5 and 6.

Referred to the Committee on Rules and Administration for comparison with S. F. No. 1699.

**MOTIONS AND RESOLUTIONS—CONTINUED
CONFIRMATION**

Mr. Olson moved that the report from the Committee on General Legislation and Administrative Rules, reported March 28, 1980, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Olson moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported March 28, 1980, the Senate, having given its advice, do now consent to and confirm the appointment of:

**DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER**

John P. Sopsic, 13915 Galway Court, Apple Valley, Dakota County, effective May 14, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointment was confirmed.

CONFIRMATION

Mr. Olson moved that the report from the Committee on General Legislation and Administrative Rules, reported March 28, 1980, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Olson moved that in accordance with the report from the Committee on General Legislation and Administrative Rules, reported March 28, 1980, the Senate, having given its advice, do now consent to and confirm the appointments of:

STATE COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE

JoAnn Cardenas de Enos, 149 Exeter Place, St. Paul, Ramsey County, effective May 3, 1979, for a term expiring June 30, 1981.

Fidelina Lopez de Fischer, 745 14th Avenue South, St. Cloud, Stearns County, effective May 3, 1979, for a term expiring June 30, 1981.

Alex Frank Gallegos, 1252 Ashland Street, St. Paul, Ramsey County, effective May 3, 1979, for a term expiring June 30, 1981.

Efren Tovar, 414½ NW Third Street, East Grand Forks, Polk County, effective May 3, 1979, for a term expiring June 30, 1981.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Hughes moved that the report from the Committee on Education, reported March 28, 1980, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Hughes moved that in accordance with the report from the Committee on Education, reported March 28, 1980, the Senate, having given its advice, do now consent to and confirm the appointments of:

EDUCATION COMMISSION OF THE STATES

Will Antell, 1605 West Pine Street, Stillwater, Washington County, effective April 4, 1979, for a term expiring the first Monday in January, 1983.

Marjory Luett Hamersly, Rural Route, Glenville, Freeborn County, effective April 4, 1979, for a term expiring the first Monday in January, 1983.

Van D. Mueller, 3609 Maplewood Drive, Minneapolis, Hennepin County, effective April 4, 1979, for a term expiring the first Monday in January, 1983.

Joseph T. O'Neill, 800 Northwestern National Bank Building, 55 East Fifth Street, St. Paul, Ramsey County, effective April 4, 1979, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointments were confirmed.

CONFIRMATION

Mr. Hughes moved that the report from the Committee on Education, reported March 28, 1980, pertaining to appointments, be taken from the table. The motion prevailed.

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

Mr. Hughes moved that in accordance with the report from

the Committee on Education, reported March 28, 1980, the Senate, having given its advice, do now consent to and confirm the appointments of:

MINNESOTA HIGHER EDUCATION COORDINATING BOARD

Robert W. Bonine, 2376 Pagel Road, Mendota Heights, Dakota County, effective February 28, 1980, for a term expiring the first Monday in January, 1984.

Richard J. Dunn, 17815 4th Avenue North, Wayzata, Hennepin County, effective February 28, 1980, for a term expiring the first Monday in January, 1983.

Carol J. Kamper, 2204 Valkyrie Drive NW, Rochester, Olmsted County, effective February 28, 1980, for a term expiring the first Monday in January, 1984.

Hugh G. Madson, 11060 32nd Street North, Lake Elmo, Washington County, effective February 28, 1980, for a term expiring the first Monday in January, 1984.

Harding C. Noblitt, 2014 South Fourth Street, Moorhead, Clay County, effective February 28, 1980, for a term expiring the first Monday in January, 1981.

Norman F. Tempel, 420 West 9th, Willmar, Kandiyohi County, effective February 28, 1980, for a term expiring the first Monday in January, 1983.

The motion prevailed. So the appointments were confirmed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Hughes introduced—

Senate Resolution No. 65: A Senate resolution relating to extending congratulations to the Pioneers of Hill-Murray High School on winning second place in both the Class AA state high school girls' basketball tournament and the state high school hockey tournament.

Referred to the Committee on Rules and Administration.

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

CALENDAR

H. F. No. 874: A bill for an act relating to state government; changing certain administrative procedures; amending Minnesota Statutes 1978, Sections 15.0411, Subdivision 2; 15.0412, Subdivisions 2, 4, 5, and by adding subdivisions; 15.0413, Subdivisions 1 and 2; 15.0418; 15.0419, Subdivisions 1 and 4; 15.0422; 15.0424, Subdivision 6; and 15.052, Subdivisions 1, 2, 5, 7, 8 and 9; repealing Minnesota Statutes 1978, Sections 5.21, and 15.0423.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 50 and nays 9, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|--------------|-------------|------------|
| Anderson | Gearty | Knaak | Olhoff | Sikorski |
| Bang | Gunderson | Knoll | Olson | Sillers |
| Benedict | Hanson | Knutson | Omann | Solon |
| Bernhagen | Hughes | Laufenburger | Penny | Stern |
| Brataas | Humphrey | Luther | Perpich | Stokowski |
| Coleman | Jensen | McCutcheon | Peterson | Strand |
| Davies | Johnson | Menning | Renneke | Stumpf |
| Dunn | Keefe, S. | Moe | Schaaf | Ueland, A. |
| Engler | Kirchner | Nelson | Schmitz | Ulland, J. |
| Frederick | Kleinbaum | Nichols | Setzepfandt | Vega |

Those who voted in the negative were:

| | | | | |
|-------------|---------|-----------|---------|--------|
| Barrette | Lessard | Ogdahl | Rued | Willet |
| Chmielewski | Merriam | Pillsbury | Sieloff | |

So the bill passed and its title was agreed to.

H. F. No. 644: A bill for an act relating to health; prohibiting applicants for certain dental licenses who fail a clinical examination twice from further taking the examination without additional education and training; requiring the board of dentistry to promulgate rules establishing requirements for this education and training; requiring licensed dentists, dental hygienists and registered dental assistants to inform the board of dentistry when changing addresses; setting standards for the names under which dentists may practice; authorizing the board of dentistry to promulgate rules governing advertising by dentists; authorizing the board of medical examiners to promulgate rules governing advertising by physicians; establishing penalties; amending Minnesota Statutes 1978, Chapter 147, by adding a section; Sections 150A.06, Subdivisions 1, 2 and 2a; 150A.09, Subdivision 3; and 150A.11, Subdivisions 1 and 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

Messrs. Ashbach, Coleman and Willet voted in the negative.

So the bill passed and title was agreed to.

H. F. No. 1956: 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 541.024, Subdivision 1; repealing Minnesota Statutes 1978, Section 508.83.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 41 and nays 22, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|------------|-----------|------------|
| Anderson | Dunn | Kirchner | Omann | Stumpf |
| Ashbach | Engler | Kleinbaum | Pillsbury | Tennessen |
| Bang | Frederick | Knaak | Purfeerst | Ueland, A. |
| Benedict | Gearty | Knoll | Renneke | Ulland, J. |
| Bernhagen | Hanson | Knutson | Rued | Vega |
| Brataas | Hughes | Lessard | Schaaf | |
| Coleman | Humphrey | Luther | Sikorski | |
| Davies | Jensen | McCutcheon | Sillers | |
| Dieterich | Keefe, S. | Merriam | Stokowski | |

Those who voted in the negative were:

| | | | | |
|--------------|---------|----------|-------------|--------|
| Barrette | Menning | Olhoft | Schmitz | Strand |
| Chmielewski | Moe | Olson | Setzepfandt | Willet |
| Gunderson | Nelson | Penny | Sieloff | |
| Johnson | Nichols | Perpich | Solon | |
| Laufenburger | Ogdahl | Peterson | Stern | |

So the bill passed and its title was agreed to.

S. F. No. 2128: A bill for an act relating to taxation; clarifying the apportionment of income from taconite producers to Minnesota; amending Minnesota Statutes 1978, Chapter 298, 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 62 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Sieloff voted in the negative.

So the bill passed and its title was agreed to.

H. F. No. 1451: A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and authorizing land acquisition and sales in relation thereto; discontinuing Traverse des Sioux state park; repealing Minnesota Statutes 1978, Section 85.012, Subdivision 56.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1816: A bill for an act relating to local correctional facilities; updating provisions concerning county jails, city lock-ups and workhouses; repealing provisions concerning correctional or work farms; amending Minnesota Statutes 1978, Sections 241.022, Subdivision 1; 243.91; 401.02, Subdivision 3; 588.10; 609.105, Subdivision 3; 609.135, Subdivision 4; 631.461; 641.01; 641.04; 641.06; 641.14; 641.15; 641.16; 641.18; 641.21; 641.22; 642.02, Subdivision 2; 642.03; 642.07; 643.01; 643.02; and 643.29; repealing Minnesota Statutes 1978, Sections 641.17; 641.27; 641.28; 641.29; 641.30; 641.31; 641.32; 641.33; 641.34; 641.35; 641.36; 641.37; 641.38; 642.14; 643.03; 643.04; 643.05; 643.06; 643.07; 643.08; 643.09; 643.10; 643.11; 643.12; 643.13; 643.14; 643.15; 643.16; 643.17; 643.19; and 643.20.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

| | | | | |
|----------|-------------|-----------|-----------|-----------|
| Anderson | Bernhagen | Dieterich | Gunderson | Johnson |
| Ashbach | Brataas | Dunn | Hanson | Keefe, S. |
| Bang | Chmielewski | Engler | Hughes | Kirchner |
| Barrette | Coleman | Frederick | Humphrey | Kleinbaum |
| Benedict | Davies | Gearty | Jensen | Knaak |

| | | | | |
|--------------|---------|-----------|-------------|------------|
| Knoll | Moe | Perpich | Setzepfandt | Stumpf |
| Knutson | Nelson | Peterson | Sieloff | Tennessen |
| Laufenburger | Nichols | Pillsbury | Sikorski | Ueland, A. |
| Lessard | Ogdahl | Purfeerst | Sillers | Ulland, J. |
| Luther | Olhoft | Renneke | Solon | Vega |
| McCutcheon | Olson | Rued | Stern | Willet |
| Menning | Omann | Schaaf | Stokowski | |
| Merriam | Penny | Schmitz | Strand | |

So the bill passed and its title was agreed to.

H. F. No. 1190: A bill for an act relating to transportation; requiring the consent of municipalities for certain trunk highway improvements; authorizing the commissioner of transportation to convey or otherwise dispose of certain lands no longer needed for trunk highway purposes; authorizing the commissioner to lease airspace above and subsurface areas below trunk highway right-of-way; adding new routes to the trunk highway system, and adding new routes in substitution of existing routes; discontinuing and removing Route No. 327 from the trunk highway system; permitting certain equipment to use crossovers between the main line roadways of controlled access highways when operating within a marked construction zone; modifying the availability of federal reimbursements deposited in the state treasury and appropriated to the federal-state safety account; prohibiting depositing snow or ice on a highway; excluding minor relocations of pipelines caused by highway construction from the definition of construction; modifying the procedures for approval of plats which include lands abutting trunk highways; amending Minnesota Statutes 1978, Sections 160.27, Subdivision 5; 161.172; 161.23, Subdivision 2; 161.43; 161.433, Subdivision 1; 161.44, Subdivision 1; 161.51; 169.305, Subdivision 1; 169.42, Subdivision 1; and 505.03, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 116I.01, Subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H. F. No. 1302: A bill for an act relating to financial institutions; permitting banks and trust companies to take junior liens under certain circumstances; amending Minnesota Statutes 1978, Section 48.19, Subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 4, as follows:

Those who voted in the affirmative were:

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

Messrs. Chmielewski, Peterson, Strand and Willet voted in the negative.

So the bill passed and its title was agreed to.

S. F. No. 2170: A bill for an act relating to taxation; providing adjustments to property tax refund due to granting of abatements on claimant's homestead; amending Minnesota Statutes 1978, Sections 290A.11, by adding a subdivision; and 375.192, Subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 1638: A bill for an act relating to economic develop-

ment; regulating the development revolving fund; amending Minnesota Statutes 1978, Section 472.13, Subdivision 1.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S. F. No. 2217: A bill for an act relating to taxation; restricting the use of certain proceeds of the taconite production tax; providing for state replacement of certain eliminated payments; appropriating funds; amending Minnesota Statutes 1978, Sections 124.212, Subdivision 8a; 273.135, Subdivision 2; 298.223 and 298.28, Subdivision 1; Chapters 273, by adding a section; and 477A, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 275.125, Subdivision 9.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|--------------|---------|-------------|-----------|
| Anderson | Humphrey | Merriam | Perpich | Stern |
| Coleman | Johnson | Moe | Peterson | Stokowski |
| Davies | Keefe, S. | Nelson | Purfeerst | Strand |
| Dieterich | Knoll | Nichols | Schaaf | Stumpf |
| Gearty | Laufenburger | Olhoff | Setzepfandt | Tennessen |
| Hanson | Luther | Olson | Sikorski | Vega |
| Hughes | McCutcheon | Penny | Staples | |

Those who voted in the negative were:

| | | | | |
|-------------|-----------|-----------|-----------|------------|
| Ashbach | Dunn | Kleinbaum | Pillsbury | Ueland, A. |
| Bang | Engler | Knaak | Renneke | Ulland, J. |
| Barrette | Frederick | Knutson | Rued | Wegener |
| Benedict | Gunderson | Lessard | Schmitz | Willet |
| Bernhagen | Jensen | Menning | Sieloff | |
| Brataas | Keefe, J. | Ogdahl | Sillers | |
| Chmielewski | Kirchner | Omann | Solon | |

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Vega moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 729 and that the rules of the Senate be so far suspended as to give H. F. No. 729, now on the Calendar, its third reading and place it on its final passage. The motion prevailed.

H. F. No. 729: A bill for an act relating to public welfare; increasing personal needs allowance for residents of certain facilities; restricting the use of allowances by third parties; providing for a civil action and damages; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 256B.35.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 2470 a Special Order to be heard immediately.

Mr. Moe moved that H. F. No. 2470 be taken from the table. The motion prevailed.

H. F. No. 2470: A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; authorizing purchase and sale of public lands and buildings; appropriating money.

Mr. Moe moved to amend H. F. No. 2470, as amended by the Senate, adopted March 27, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2394.)

Page 2, after line 17, insert:

“(e) Emergency contingent account 360,000

This appropriation is available for expenditure with the approval of the governor after consultation with the legislative advisory commission pursuant to section 3.30.”

The motion prevailed. So the amendment was adopted.

Mr. Ulland, J. moved to amend H. F. No. 2470, as amended by the Senate, adopted March 27, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2394.)

Page 3, after line 15, insert:

“The Minnesota Historical Society shall give written approval before any demolition work is undertaken.”

The motion prevailed. So the amendment was adopted.

H. F. No. 2470 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

RECESS

Mr. Coleman moved that the Senate do now recess until 2:30 o'clock p.m. The motion prevailed.

The hour of 2:30 o'clock p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

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

| | | | | |
|-------------|-----------|---------|-------------|------------|
| Aahbach | Frederick | Lessard | Perpich | Spear |
| Barrette | Gearty | Luther | Rued | Stern |
| Bernhagen | Gunderson | Menning | Schaaf | Stokowski |
| Brataas | Hughes | Moe | Schmitz | Stumpf |
| Chmielewski | Johnson | Nelson | Setzepfandt | Ueland, A. |
| Coleman | Keefe, S. | Nichols | Sieloff | Vega |
| Davies | Kirchner | Omann | Sillers | |
| Dieterich | Knaak | Penny | Solon | |

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

RECESS

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

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

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 2117: A bill for an act relating to commerce; providing for investments in certain loans by savings banks and savings associations; defining terms; exempting savings associations from licensing and bonding requirements of safe deposit companies; deleting the dollar limitation on examination fees; amending Minnesota Statutes 1978, Sections 50.14, Subdivision 5; 51A.02, Subdivisions 8 and 17, and by adding a subdivision; 51A.37, Subdivision 3; 55.06, Subdivision 1; and 55.095.

Senate File No. 2117 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 28, 1980

CONCURRENCE AND REPASSAGE

Mr. Spear moved that the Senate concur in the amendments by the House to S. F. No. 2117 and that the bill be placed on its repassage as amended. The motion prevailed.

S. F. No. 2117 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 43 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|---------|-------------|------------|
| Ashbach | Hughes | Lessard | Perpich | Staples |
| Bang | Jensen | Luther | Peterson | Stokowski |
| Barrette | Johnson | Menning | Pillsbury | Stumpf |
| Bernhagen | Keefe, S. | Moe | Rued | Tennessen |
| Chmielewski | Kirchner | Nelson | Schmitz | Ueland, A. |
| Coleman | Kleinbaum | Nichols | Setzepfandt | Vega |
| Davies | Knaak | Olhoff | Sieloff | Wegener |
| Gearty | Knoll | Omann | Sikorski | |
| Gunderson | Knutson | Penny | Spear | |

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

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

REPORTS OF COMMITTEES

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

Mr. Coleman from the Subcommittee on Bill Scheduling, to which was referred S. F. No. 1669 makes the following report:

That the above Senate File be placed on the General Orders Calendar.

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

APPOINTMENTS

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

H. F. No. 1710: Messrs. Humphrey, Anderson and Ogdahl.

H. F. No. 2023: Messrs. Merriam, Dunn and Willet.

H. F. No. 1727: Messrs. Davies, Sieloff and Knutson.

S. F. No. 2095: Mrs. Staples; Messrs. Keefe, J. and Wegener.

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

Pursuant to Rule 21, Mr. Humphrey moved that the following members be excused for a Conference Committee on H. F. No. 1710.

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

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on H. F. No. 2476:

Messrs. Moe, Coleman, Ashbach, Spear and Willet. The motion prevailed.

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

SPECIAL ORDER

H. F. No. 1662: A bill for an act relating to state government; providing for a demonstration job-sharing project in state government; appropriating money.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|-----------|-------------|------------|
| Bang | Jensen | Nelson | Rued | Strand |
| Barrette | Keefe, J. | Nichols | Schaaf | Stumpf |
| Bernhagen | Keefe, S. | Olhoft | Schmitz | Tennessee |
| Brataas | Kirchner | Olson | Setzepfandt | Ueland, A. |
| Chmielewski | Kleinbaum | Omann | Sieloff | Ulland, J. |
| Davies | Knaak | Penny | Sikorski | Vega |
| Dieterich | Knoll | Perpich | Sillers | Wegener |
| Engler | Knutson | Peterson | Solon | |
| Gearly | Laufenburger | Pillsbury | Staples | |
| Gunderson | Lessard | Purfeerst | Stern | |
| Hughes | Luther | Renneke | Stokowski | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1684: A bill for an act relating to state lands; providing for the conveyance of certain land to the city of Virginia.

Mr. Perpich moved to amend the amendment placed on H. F. No. 1684 by the Committee on Agriculture and Natural Resources, adopted by the Senate March 19, 1980, as follows:

Delete the amendment to page 2, line 6.

The motion prevailed. So the amendment to the amendment was adopted.

H. F. No. 1684 was read the third time, as amended and placed on its final passage.

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

The roll was called, and there were yeas 43 and nays 10, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|-----------|-------------|------------|
| Bang | Gunderson | Menning | Schaaf | Stokowski |
| Barrette | Hanson | Nelson | Schmitz | Strand |
| Benedict | Hughes | Nichols | Setzepfandt | Stumpf |
| Bernhagen | Keefe, S. | Olhoft | Sieloff | Ueland, A. |
| Brataas | Kleinbaum | Olson | Sikorski | Ulland, J. |
| Chmielewski | Knaak | Penny | Sillers | Vega |
| Dieterich | Knoll | Perpich | Solon | Wegener |
| Engler | Lessard | Peterson | Staples | |
| Gearly | Luther | Purfeerst | Stern | |

Those who voted in the negative were:

| | | | | |
|--------|--------------|---------|-----------|-----------|
| Davies | Knutson | Merriam | Pillsbury | Rued |
| Dunn | Laufenburger | Omann | Renneke | Tennessee |

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

Mr. Nichols moved that S. F. No. 1076, No. 1 on Special Orders, be stricken and returned to its author. The motion prevailed.

Pursuant to Rule 21, Mrs. Staples moved that the following members be excused for a Conference Committee on S. F. No. 480 at 3:05 p.m.:

Messrs. Nelson, Kirchner and Mrs. Staples. The motion prevailed.

SPECIAL ORDER

H. F. No. 1931: A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

Mr. Stumpf moved to amend H. F. No. 1931 as follows:

Page 52, line 2, before the period insert "*and the judicial district administrator's office*"

Page 57, lines 30 to 33, strike everything after "[RETIRED.]" and insert "*Every employee of the county of Ramsey, except an elected official, who is 70 years of age, shall retire from his employment by Ramsey County on the first day of the month after the month in which he becomes 70.*"

Page 58, strike lines 1 to 3

Page 88, after line 17, insert:

"Sec. 2. [SAINT PAUL, CITY OF; EMPLOYMENT OF UNIVERSITY OR COLLEGE STUDENTS.] *Notwithstanding any contrary provision of the Saint Paul city charter, a statute, including the veterans preference act, or a civil service rule or regulation, the governing body or any board or commission of the city of Saint Paul having authority to hire employees may employ university, college, or professional school students pursuant to an intern or other training program related to their academic endeavors when the program is sponsored or substantially financed by the state or the United States or by a philanthropic foundation or organization. Persons hired under a program shall be in the unclassified service of the city and serve at the pleasure of the body employing them. No full time appointment under this section shall exceed one year. Persons employed under this section shall be excluded from the provisions of Minnesota Statutes, Sections 268.03 to 268.24.*

Sec. 3. Laws 1955, Chapter 151, Section 1, Subdivision 5, as amended by Laws 1963, Chapter 271, Section 2, is amended to read:

Subd. 5. "*Widow*" "*Surviving spouse*" means a *woman person* who was the *wife spouse* of a member or a pensioner while he or she was an active member, and who, in case the deceased member was a service pensioner, deferred pensioner, or on duty or non duty disability pensioner, was married to the member at least one year before his or her retirement from the police department; but does not include a *surviving wife spouse* of a member or a pensioner who deserts him or her or a common law *wife spouse* of a member or a pensioner.

Sec. 4. Laws 1955, Chapter 151, Section 3, Subdivision 2, is amended to read:

Subd. 2. This association shall create, maintain, and administer a policemen's pension fund for the benefit of its members, their *widows surviving spouses*, and their children.

Sec. 5. Laws 1955, Chapter 151, Section 13, as amended by Laws 1963, Chapter 271, Section 7, and Laws 1971, Chapter 549, Section 2, is amended to read:

Sec. 13. The association shall pay a pension to the *widow surviving spouse* or any child under 18 years of age of any pensioned and retired member, or to the *widow surviving spouse* or any child under 18 years of age of any member who dies while in the service of the city police department, or to the *widow surviving spouse* or any child under 18 years of age of any member who, after being a member of the city police department for not less than 20 years, severs his or her connection with the department, and dies before attaining the age of 50 years. The association shall pay to any such *widow surviving spouse* a pension of 20 units per month. The association shall pay to any such child under 18 years of age a pension of five units per month until the child attains the age of 18 years, provided, however, that if such child is married at the time of the death of the member or marries or becomes legally adopted after the death of the member, *such the* child shall not be entitled to such benefits. If the *widow surviving spouse* and children reside together, the pension payable to the children shall be paid to the *widow surviving spouse* and shall be used for the support of *such the* children. If a *widow surviving spouse* remarries, *her the* pension immediately ceases and the association shall not make any further pension payments to her. For the purposes of this section, all provisions governing a child under 18 shall be extended to include a full time student under the age of 23.

Sec. 6. Laws 1955, Chapter 151, Section 16, is amended to read:

Sec. 16. [SURVIVING SPOUSE AND CHILD OF MEMBER CONVICTED OF FELONY.] If a member convicted of a felony is receiving a pension at the time of his conviction and his *wife or her surviving spouse* and any of his children under 18 years of age had no part in the commission of *such the* felony, in the event of the death of *such the* member, *such widow the surviving spouse* and children may receive *such any* pensions as they would otherwise be entitled to receive from the association.

Sec. 7. Laws 1953, Chapter 91, Section 1, Subdivision 7, as

amended by Laws 1975, Chapter 408, Section 1, is amended to read:

Subd. 7. [DULUTH, CITY OF; POLICE PENSIONS.] "Spouse" means a person who was the legal husband or wife of a member at the time of the member's death, and includes a person who was the legal husband or wife of any pensioner or deferred service pensioner at the time of the member's death who was married to the member at least a total of three years one year prior to the member's retirement from the department.

Sec. 8. *Notwithstanding the provisions of any law, home rule charter, ordinance or resolution to the contrary, no statutory or home rule charter city located in the area, as defined in Minnesota Statutes, Section 473F.02, Subdivision 2, shall require that a person be a resident of the city as a condition of employment by the city except for positions which by their duties require the employee to live on the premises of the person's place of employment. For the purposes of this section, elected municipal officials shall not be considered to be employed by the city.*

Sec. 9. *Notwithstanding any contrary law or charter provision, commencing with the budget year starting January 1, 1981, and continuing thereafter, the expense of keeping the court house and city hall for the county of Ramsey and city of Saint Paul in normal repair and the necessary expense of heating and maintaining it shall be paid by the county of Ramsey and the city of Saint Paul based upon their respective exclusive usage or occupancy of the building. No later than September 1 of each year the joint court house and city hall committee shall determine the proportionate square foot exclusive usage or occupancy of the building by the county and city respectively and shall submit the determination to the county board and city council together with the recommended annual budget for the next year's expenses.*

Sec. 10. Laws 1978, Chapter 693, Section 2, is amended to read:

Sec. 2. [EFFECTIVE DATE.] *This act Laws 1978, Chapter 693 is permanently effective upon its approval by the board of commissioners of Washington county and compliance with Minnesota Statutes, Section 645.021 and expires two years after that date.*

Sec. 11. [REPEALER.] *Laws 1887, Chapter 173, Section 1, is repealed."*

Page 88, line 18, delete "2." and insert "12. Section 1 of"

Page 88, line 20, after the period insert "*Sections 2 to 6 of this act are effective upon approval of the governing body of the city of Saint Paul and upon compliance with Minnesota Statutes, Section 645.021. Section 7 of this act is effective upon approval of the governing body of the city of Duluth and upon compliance with Minnesota Statutes, Section 645.021. Sections 8 and 9 of this act are effective the day following final enactment. Section 10 of this act is effective upon approval by the governing body of Washington County and compliance with Minnesota Statutes, Section 645.021.*"

Amend the title as follows:

Page 1, line 2, delete "County" and insert "Hennepin, Anoka, Wright, Scott, Dakota, and Washington counties and the cities of St. Paul and Duluth;"

Page 1, line 3, after "the" insert "Ramsey"

Page 1, line 3, after the semicolon insert:

"adding positions to the unclassified service of Ramsey county; providing for retirement of Ramsey county employees; permitting employment of certain persons in St. Paul pursuant to a training program; correcting gender references in the St. Paul police retirement law; defining spouse for the purposes of Duluth police survivor benefits; prohibiting residency requirements in certain cities; providing for sharing of expenses in maintaining the Ramsey county court house and St. Paul city hall; providing for the appointment of probation officers in Washington county;"

Page 1, line 3, after "amending" insert Laws 1978, Chapter 693, Section 2;"

Page 1, line 4, before the period insert "; Laws 1955, Chapter 151, Sections 1, Subdivision 5, as amended; 3, Subdivision 2; 13, as amended; and 16; and Laws 1953, Chapter 91, Section 1, Subdivision 7, as amended; repealing Laws 1887, Chapter 173, Section 1"

The motion prevailed. So the amendment was adopted.

H. F. No. 1931 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 46 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|-----------|-------------|------------|
| Bang | Hughes | Nichols | Rued | Strand |
| Barrette | Keefe, S. | Olthoff | Schaaf | Stumpf |
| Benedict | Kirchner | Olson | Schmitz | Tennessen |
| Bernhagen | Kleinbaum | Omann | Setzepfandt | Ueland, A. |
| Brataas | Knaak | Penny | Sieloff | Ulland, J. |
| Chmielewski | Knoll | Perpich | Sikorski | Vega |
| Davies | Laufenburger | Peterson | Sillers | |
| Engler | Luther | Pillsbury | Solon | |
| Gearty | Menning | Purfeerst | Stern | |
| Gunderson | Merriam | Renneke | Stokowski | |

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

Mr. Stumpf moved that S. F. No. 2190, No. 3 on Special Orders, be stricken and returned to its author. The motion prevailed.

SPECIAL ORDER

H. F. No. 2429: A bill for an act relating to usury; changing the penalty for usurious loans made by state banks and savings banks; amending Minnesota Statutes 1978, Sections 334.02; 334.03; and Chapter 48, by adding a section.

Mr. Solon moved to amend H. F. No. 2429, as amended pursuant to Rule 49, adopted by the Senate March 27, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 1562.)

Amend the title as follows:

Page 1, line 3, delete "and" and insert a comma

Page 1, line 4, after "banks" insert ", savings and loan associations and credit unions, and federal savings banks, savings and loan associations and credit unions"

The motion prevailed. So the amendment was adopted.

H. F. No. 2429 was then progressed.

SPECIAL ORDER

H. F. No. 1895: A bill for an act relating to human rights; further defining certain unfair discriminatory practices related to reprisals; defining the scope of a class for class action suits; increasing a penalty by increasing allowable punitive damages; amending Minnesota Statutes 1978, Sections 363.03, Subdivision 7; 363.071, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 363.06, Subdivision 4.

Mr. Dieterich moved to amend H. F. No. 1895 as follows:

Page 6, line 9, after "enactment" insert "*; provided, however, section 2 shall not apply to cases before the department of human rights in which complaints have been issued by the commissioner prior to the date of final enactment*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 29, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|----------|-----------|---------|
| Benedict | Keefe, S. | Penny | Solon | Vega |
| Davies | Knoll | Perpich | Stern | Wegener |
| Dieterich | Luther | Peterson | Stokowski | |
| Gearty | Merriam | Schaaf | Stumpf | |
| Hughes | Nichols | Sikorski | Tennessee | |

Those who voted in the negative were:

| | | | | |
|-------------|-----------|--------------|-----------|-------------|
| Bang | Engler | Knutson | Omman | Setzepfandt |
| Barrette | Frederick | Laufenburger | Pillsbury | Sieloff |
| Bernhagen | Gunderson | Lessard | Purfeerst | Sillers |
| Brataas | Jensen | Menning | Renneke | Ueland, A. |
| Chmielewski | Keefe, J. | Olhoft | Rued | Ulland, J. |
| Dunn | Knaak | Olson | Schmitz | |

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

Mr. Sieloff moved to amend H. F. No. 1895 as follows:

Page 6, line 9, after the period, insert "*Section 2 shall not apply to cases pending before the department of human rights.*"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 16, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|-----------|-------------|------------|
| Barrette | Hughes | Olhoff | Renneke | Solon |
| Bernhagen | Jensen | Olson | Rued | Strand |
| Brataas | Kirchner | Omann | Schmitz | Ueland, A. |
| Chmielewski | Knaak | Penny | Setzepfandt | Ulland, J. |
| Engler | Laufenburger | Peterson | Sieloff | Wegener |
| Frederick | Menning | Pillsbury | Sikorski | |
| Gunderson | Nichols | Purfeerst | Sillers | |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|---------|-----------|----------|
| Benedict | Gearty | Luther | Schaaf | Stumpf |
| Davies | Keefe, S. | Merriam | Stern | Tennesen |
| Dieterich | Knoll | Perpich | Stokowski | Vega |
| Dunn | | | | |

The motion prevailed. So the amendment was adopted.

Mr. Sieloff then moved to amend H. F. No. 1895 as follows:

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1978, Section 363.03, Subdivision 1, is amended to read:

363.03 [UNFAIR DISCRIMINATORY PRACTICES.] Subdivision 1. [EMPLOYMENT.] Except when based on a bona fide occupational qualification, it is an unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to deny full and equal membership rights to a person seeking membership or to a member;

(b) to expel a member from membership;

(c) to discriminate against a person seeking membership or a member with respect to his hire, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment; or

(d) to fail to classify properly, or refer for employment or otherwise to discriminate against a person or member.

(2) For an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, *membership or activity in a local commission*, disability, or age,

(a) to refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(b) to discharge an employee; or

(c) to discriminate against a person with respect to his hire,

tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment.

(3) For an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age,

(a) to refuse or fail to accept, register, classify properly, or refer for employment or otherwise to discriminate against a person; or

(b) to comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

(4) For an employer, employment agency, or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to

(a) require the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability, unless, for the purpose of national security, information pertaining to national origin is required by the United States, this state or a political subdivision or agency of the United States or this state, or for the purpose of compliance with the public contracts act or any rule, regulation or laws of the United States or of this state requiring information pertaining to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability is required by the United States or a political subdivision or agency of the United States; or

(b) cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification, or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability or age.

(5) For an employer, an employment agency or a labor organization, with respect to all employment related purposes, including receipt of benefits under fringe benefit programs, not to treat women affected by pregnancy, childbirth, or disabilities related to pregnancy or childbirth, the same as other persons who are not so affected but who are similar in their ability or inability to work."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "defining an unfair employment practice;"

Page 1, line 7, delete "Subdivision" and insert "Subdivisions 1 and"

The motion prevailed. So the amendment was adopted.

H. F. No. 1895 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|-----------|-------------|------------|
| Bang | Gunderson | Merriam | Renneke | Strand |
| Barrette | Hughes | Nichols | Rued | Stumpf |
| Benedict | Jensen | Olhoft | Schaaf | Tennessen |
| Bernhagen | Keefe, S. | Olson | Schmitz | Ueland, A. |
| Chmielewski | Kirchner | Omann | Setzepfandt | Ulland, J. |
| Dieterich | Knaak | Penny | Sieloff | Vega |
| Dunn | Knutson | Perpich | Sillers | Wegener |
| Engler | Lessard | Peterson | Solon | |
| Frederick | Luther | Pillsbury | Stern | |
| Gearty | Menning | Purfeerst | Stokowski | |

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

SPECIAL ORDER

H. F. No. 1873: A bill for an act relating to local government in Ramsey county; providing for the membership and dues of the Ramsey county league of local governments; amending Laws 1963, Chapter 728, Section 1, as amended.

Mr. Stumpf moved to amend the amendment placed on H. F. No. 1873 by the Committee on Local Government, adopted by the Senate March 19, 1980, as follows:

Page 2, line 16, delete "*increased by one percent for*"

Page 2, lines 17 to 19, delete the new language

Page 2, line 26, delete "*increased by one percent for each*"

Page 2, delete line 27

Page 2, line 28, delete "*the nearest \$50*"

Page 2, lines 30 to 32, delete the new language

Page 3, delete lines 3 to 7

The motion prevailed. So the amendment was adopted.

H. F. No. 1873 was then progressed.

RECESS

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

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

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

REPORTS OF COMMITTEES

APPOINTMENTS

Mr. Coleman from the Subcommittee on Committees recom-

mends that the following Senators be and they hereby are appointed as a Conference Committee on:

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

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

GENERAL ORDERS

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

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

H. F. Nos. 2436 and 1904, which the committee recommends to pass.

S. F. No. 994, which the committee recommends to pass with the following amendments offered by Messrs. Wegener and Tennesen:

Mr. Wegener moved to amend S. F. No. 994 as follows:

Page 2, after line 24, insert:

"Sec. 3. Minnesota Statutes 1978, Section 82.22, Subdivision 6, is amended to read:

Subd. 6. [INSTRUCTION; NEW LICENSES.] (a) Every salesperson, licensed after July 1, 1973 and before July 1, 1976 shall, within two years of the date his license was first granted be required to successfully complete a course of study in the real estate field consisting of not less than 60 hours of instruction, approved by the commissioner. Upon appropriate showing of hardship by the licensee, or for persons licensed pursuant to section 82.20, subdivision 1, clause (b), the commissioner may waive or modify the requirements of this subdivision. Every salesperson licensed after July 1, 1976 and before July 1, 1978 shall, within three years of the date his license was first issued, be required to successfully complete a course of study in the real estate field consisting of not less than 90 45 hours of instruction, approved by the commissioner;

(b) After July 1, 1978 every applicant for a salesperson's license shall be required to successfully complete a course of study in the real estate field consisting of 30 hours of instruction approved by the commissioner before taking the examination specified in subdivision 1. Every salesperson licensed after July 1, 1978 shall, within one year of the date his license was first issued, be required to successfully complete a course of study in the real estate field consisting of 60 15 hours of instruction approved by the commissioner.

(c) The commissioner may approve courses of study in the real estate field offered in educational institutions of higher learning in

this state or courses of study in the real estate field developed by and offered under the auspices of the national association of realtors, its affiliates, or private real estate schools licensed by the state department of education. The commissioner may by rule prescribe the curriculum and qualification of those employed as instructors."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "reducing the number of hours of education required for a license;"

Page 1, line 10, delete "Subdivision" and insert "Subdivisions 6 and"

The motion prevailed. So the amendment was adopted.

Mr. Tennesen moved to amend S. F. No. 994 as follows:

Page 2, line 9, strike "1980" and insert "1981"

Page 2, line 11, strike "1981" and insert "1982"

Page 14, line 24, delete "Sections 82.22,"

Page 14, line 25, delete "Subdivision 13; and" insert "Section"

Page 14, line 25, delete "are" and insert "is"

Amend the title as follows:

Page 1, line 15, delete "Sections 82.22, Subdivision 13; and" insert "Section"

The motion prevailed. So the amendment was adopted.

H. F. No. 1443, which the committee recommends to pass with the following amendment offered by Mr. Laufenburger:

Amend H. F. No. 1443, as amended pursuant to Rule 49, adopted by the Senate March 27, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 1457.)

Page 6, line 1, after the period, insert "*Nothing herein shall be construed as abrogating or modifying any rights now enjoyed by affected employees under the terms of an agreement in effect on the effective date of sections 1 to 87 between an exclusive representative of public employees and the state or its appointing authorities.*"

The motion prevailed. So the amendment was adopted.

S. F. No. 2375, which the committee recommends to pass with the following amendment offered by Mr. Hanson:

Page 10, line 32, after "by" insert "*reason of*"

Page 10, line 33, strike "the original assessed value of the"

Page 11, line 1, strike "district shall be reduced by that amount" and insert "*stipulation agreement, voluntary abatement made by*

the assessor or auditor or by order of the commissioner of revenue, the reduction shall be applied to the original assessed value of the district when the property upon which the abatement is made has not been improved since the date of certification of the district and to the captured assessed value of the district in each year thereafter when the abatement relates to improvements made after the date of certification"

The motion prevailed. So the amendment was adopted.

H. F. No. 2149 which the committee recommends to pass, subject to the following motion:

Mr. Keefe, S. moved that the amendment made to H. F. No. 2149 by the Committee on Rules and Administration in the report adopted March 31, 1980, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

S. F. No. 2281, which the committee recommends to pass with the following amendment offered by Mr. Hanson:

Page 2, line 3, after "days" insert ", beginning on the 14th day after the date when the county auditor has sent notice to the taxpayer as provided in subdivision 1,"

Page 2, line 31, after "days" insert ", beginning on the 14th day after the date when the county auditor has sent notice to the taxpayer as provided in subdivision 1,"

Page 3, line 26, after "days" insert ", beginning on the 14th day after the date when the county auditor has sent notice to the taxpayer as provided in subdivision 1,"

Page 4, line 21, after "days" insert ", beginning on the 14th day after the date when the county auditor has sent notice to the taxpayer as provided in subdivision 1,"

The motion prevailed. So the amendment was adopted.

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Hanson, for Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated H. F. No. 2040 a Special Order to be heard immediately.

H. F. No. 2040: A bill for an act relating to privacy; providing for the collection and dissemination of government data; classifying data as private, confidential, nonpublic or public; amending Minnesota Statutes 1978, Sections 15.162, Subdivisions 3 and 5a, and by adding subdivisions; 15.165, Subdivision 3, and by adding a subdivision; 600.23, Subdivision 3; and Chapter 15, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 15.162, Subdivision 2a; 15.1621, by adding a subdivision; 15.1642, Subdivisions 5 and 5a; 15.166, Subdivision 4; 15.1691, Subdivision 3; 15.1692, Subdivisions 1 and 2; 15.1693, Subdivision 2; and 15.1698, Subdivision 1, and by adding a subdivision; and Laws 1978, Chap-

ter 790, Section 5, Subdivision 2; repealing Minnesota Statutes, 1979 Supplement, Section 15.1692, Subdivision 4.

Mr. Keefe, J. moved to amend H. F. No. 2040, as amended pursuant to Rule 49, adopted by the Senate March 27, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2039.)

Page 2, line 16, after "any" insert "living"

Page 1, line 16, delete ", living or dead," and strike "is or"

Pages 2 and 3, delete section 4

Page 5, delete section 11

Page 7, line 26, delete "5" and insert "4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "Subdivisions" and insert "Subdivision" and delete "and 5a"

Page 1, lines 7 and 8, delete ", and by adding a subdivision"

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

Mr. Tennesen moved to amend H. F. No. 2040, as amended pursuant to Rule 49, adopted by the Senate March 27, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 2039.)

Page 6, line 21, delete "written"

The motion prevailed. So the amendment was adopted.

H. F. No. 2040 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 58 and nays 1, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Frederick | Knaak | Omamn | Solon |
| Ashbach | Gearty | Knoll | Penny | Spear |
| Bang | Gunderson | Knutson | Perpich | Staples |
| Barrette | Hanson | Laufenburger | Purfeerst | Stern |
| Benedict | Hughes | Lessard | Renneke | Stokowski |
| Bernhagen | Humphrey | Luther | Rued | Strand |
| Brataas | Jensen | Menning | Schaaf | Tennesen |
| Chmielewski | Johnson | Moe | Schmitz | Ueland, A. |
| Coleman | Keefe, J. | Nelson | Setzepfandt | Ulland, J. |
| Davies | Keefe, S. | Nichols | Sieloff | Vega |
| Dieterich | Kirchner | Olhoft | Sikorski | |
| Engler | Kleinbaum | Olson | Sillers | |

Mr. Wegener voted in the negative.

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Penny moved that H. F. No. 1813 be withdrawn from the Committee on Rules and Administration and be given its second reading. The motion prevailed.

H. F. No. 1813: A bill for an act relating to public finance; authorizing the issuance of Minnesota state railroad assistance bonds; appropriating money; amending Minnesota Statutes 1978, Chapter 222, by adding a section.

H. F. No. 1813 was read the second time.

Mr. Penny moved to amend H. F. No. 1813 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [RAILROAD ASSISTANCE; APPROPRIATION.] The sum of \$13,500,000 is appropriated from the state building fund to the rail service improvement account in the special revenue fund, to be expended by the commissioner of transportation for the purposes specified in Minnesota Statutes, Sections 222.49 to 222.62.

Sec. 2. [BOND SALE; DEBT SERVICE.] Subdivision 1. To provide the money appropriated in this act from the state building fund the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$13,500,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67 and by the Constitution, Article XI, Sections 4 to 7.

Sec. 3. [EMPLOYMENT PREFERENCE.] Individuals who have been previously employed by railroads any part of whose property or assets are acquired pursuant to this act shall have priority, based upon their length of service with that railroad, in employment with a purchasing carrier or other operator of a railroad incorporating that property or those assets."

Delete the title and insert:

"A bill for an act relating to transportation; appropriating money for rail service improvement; authorizing issuance of state bonds."

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

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

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Ashbach | Engler | Knutson | Perpich | Solon |
| Bang | Frederick | Laufenburger | Peterson | Spear |
| Barrette | Gearty | Lessard | Pillsbury | Staples |
| Benedict | Hanson | McCutcheon | Purfeerst | Stokowski |
| Bernhagen | Hughes | Menning | Renneke | Strand |
| Brataas | Humphrey | Moe | Rued | Ueland, A. |
| Chmielewski | Johnson | Nelson | Schaaf | Ulland, J. |
| Coleman | Keefe, S. | Nichols | Schmitz | Vega |
| Davies | Kirchner | Olhoff | Setzepfandt | Willet |
| Dieterich | Knaak | Omann | Sieloff | |
| Dunn | Knoll | Penny | Sillers | |

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

Mr. Knoll moved to amend H. F. No. 1813, as amended by the Senate, adopted March 31, 1980, as follows:

(The text of the amended House File is identical to S. F. No. 1669.)

Page 1, line 14, after "in" insert "section 1 of"

Underline all the language in sections 1 to 3

Page 2, after line 5, insert:

"Sec. 4. Minnesota Statutes 1978, Chapter 116H, is amended by adding a section to read:

[116H.31] [DISTRICT HEATING LOANS.] *Subdivision 1. [POLICIES.] Developing and improving efficient and economical district heating systems is a public purpose for state financing and a proper function of state government. Climate and geography make a reliable, economic supply of energy essential for industrial, commercial and residential heating. Imported supplies are increasingly costly, unreliable, and environmentally disadvantageous. District heating systems employing cogeneration techniques and innovative technology offer an important means of increasing the efficiency of Minnesota's energy systems and reducing the state's reliance on imported energy supplies. The combination of the large initial capital cost and investors' lack of familiarity with district heating has made the private market reluctant to provide the necessary capital for district heating projects. As a result, public leadership, cooperation, and aid are needed to demonstrate the feasibility of district heating systems by establishing economically viable municipal district heating systems as demonstration projects. Municipal district heating systems may be financed by loans from the state.*

Subd. 2. [DEFINITIONS.] In this section:

(a) "Commissioner" means the commissioner of finance.

(b) "Director" means the director of the Minnesota energy agency.

(c) "District heating" means the use of a central energy conversion facility to produce hot water or steam for distribution to homes or businesses. District heating facilities may also produce electricity in addition to hot water or steam.

(d) "Municipality" means any county, city, town, municipal power agency, or public utility, as defined in section 452.01, subdivision 3, owned and operated by a city, however organized.

Subd. 3. [ELIGIBILITY.] The commissioner of finance, upon request of the director of the energy agency, shall make loans to municipalities for the acquisition and betterment of district heating systems. A loan shall be made only to a municipality that has demonstrated that:

(a) The municipality has the financial capability to sponsor the project;

(b) The project is technologically feasible; and

(c) The municipality has made adequate provision to assure proper and efficient operation and maintenance of the project after construction is completed.

Subd. 4. [PRIORITIES.] The director shall give higher priority to a project that does more to achieve the following goals:

(a) The district heating conversion facility employs cogeneration techniques;

(b) The facility uses renewable or non-petroleum sources of energy;

(c) The district heating facility will save petroleum or natural gas;

(d) The operation of the district heating facility will not have an adverse impact on the environment;

(e) The district heating facility may readily be expanded to serve additional customers or to supply additional amounts of energy, and market demand for the energy exists;

(f) The project has obtained additional financing from the federal government, private sources, or other sources of capital; and

(g) Other goals the director finds desirable for district heating systems.

Subd. 5. [ELIGIBLE COST.] The eligible cost of any municipal district heating project includes (a) preliminary planning to determine the economic, engineering, and environmental feasibility of the project; (b) engineering, architectural, legal, fiscal, economic, and project administrative costs of the agency and the municipality, and other investigations and studies; (c) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project; (d) erection, building, acquisition, alteration, remodeling, improvement, and extension of district heating systems; (e) inspection and supervision of construction; and (f) loans to potential users of the district heating system to finance conversion of, additions to, or other necessary alterations of their energy systems to facilitate use of energy supplied by the district heating system.

Subd. 6. [AMOUNT.] *The amount of a loan is limited to:*

(a) 50 percent of the costs included under subdivision 5, clauses (a), (b), (c) and (e);

(b) 90 percent of the costs included under subdivision 5, clauses (d) and (f).

Subd. 7. [TERMS.] *A loan is repayable over a period not to exceed 20 years, with interest at a rate sufficient to cover the cost to the state of borrowing the money.*

Subd. 8. [APPLICATION.] *Application for a loan shall be made by a municipality to the director on a form prescribed by the director by rule. The director shall review each application and determine:*

(a) Whether or not the project is eligible for a loan;

(b) The priority of the project when ranked with all other eligible projects for which a loan application has been submitted;

(c) The total estimated cost of the project;

(d) The amount of the loan for which the project is eligible;

(e) The terms upon which the loan would be made; and

(f) The means by which the municipality proposes to finance the project, including:

(1) A loan authorized by state law; or

(2) A grant of money appropriated by state law; or

(3) A grant to the municipality by an agency of the federal government within the amount of money then appropriated to that agency and allocated by it to projects within the state; or

(4) The appropriation of proceeds of bonds or other money of the municipality to an account for the construction of the project; or

(5) Any or all of the means referred to in clauses (1) to (4).

Subd. 9. [PROJECT APPROVAL.] *The director shall prepare and submit to the legislature a list of district heating projects, if any, for which loan applications have been submitted and reviewed. The list shall contain supporting information, including descriptions of the projects, plans, and the determinations made by the director pursuant to subdivision 8. The director shall request the commissioner of finance to make loans for projects within the limits of appropriations provided by the legislature.*

Subd. 10. [PAYMENT; OBLIGATION.] *The commissioner shall not pay money to a municipality pursuant to an approved loan until he has determined that:*

(a) Financing of the project as proposed by the municipality is assured by an irrevocable undertaking, by resolution of the governing body of the municipality, to use all money made avail-

able by the financing plan exclusively for the construction of the project, and to pay any additional amount by which the cost of the project exceeds the estimate by the appropriation to the construction account of additional municipal money or the proceeds of additional bonds to be issued by the municipality; and that

(b) The governing body of the municipality has adopted a resolution obligating the municipality to repay the loan according to its terms. The obligation may be payable solely from user charges, special assessments or other money available to the municipality. The resolution shall obligate the municipality to annually impose and collect user charges or special assessments or to use any other money available to it from any other specified source, in amounts and at times that if collected in full will annually produce at least five percent in excess of the amount needed for all annual costs of the system, including annual repayment on state loans. A municipality may also pledge to levy an ad valorem tax to guarantee the payments under the loan agreement. For the purpose of repaying the loan the municipality by resolution of its governing body may fix the rates and charges for district heating system service and products, may enter into contracts for the payment by others of costs of construction, maintenance, and use of the project in accordance with section 444.075, and may pledge the revenues derived therefrom. The commissioner may condition a loan upon the establishment of rates and charges or the execution of contracts sufficient to produce the revenues pledged.

Subd. 11. [RECEIPTS.] All principal and interest payments received by the commissioner in repayment of the loans authorized by this section shall be deposited in the state treasury and credited to the Minnesota state building bond account and are appropriated to the commissioner for the purposes of that account.

Subd. 12. [RULES.] The director shall adopt rules necessary to carry out this section. The director may adopt temporary rules pursuant to section 15.0412, subdivision 5, meeting the requirements of this section. The rules shall contain as a minimum:

(a) Procedures for application by municipalities; and

(b) Criteria for reviewing loan applications, including those specified in subdivisions 3 and 4.

Sec. 2. Minnesota Statutes 1978, Section 412.321, Subdivision 1, is amended to read:

412.321 [MUNICIPAL UTILITIES.] Subdivision 1. [AUTHORITY TO OWN AND OPERATE.] Any statutory city may own and operate any waterworks, district heating system, or gas, light, power, or heat plant for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct and install all facilities reasonably needed for that purpose and may lease or purchase any existing utility properties so needed. It may, in lieu of providing for the local production of gas, electricity, water, hot water, steam, or heat, purchase

the same wholesale and resell it to local consumers. After any such utility has been acquired, the council, except as its powers have been limited through establishment of a public utilities commission in the city, shall make all necessary rules and regulations for the protection, maintenance, operation, extension, and improvement thereof and for the sale of its utility products.

Sec. 3. Minnesota Statutes 1978, Section 412.351, is amended to read:

412.351 [COMMISSION, JURISDICTION.] The council shall, in the ordinance establishing the commission, decide which of the following public utilities shall be within the commissioner's jurisdiction: (1) the city water system; (2) light and power systems, including any system then in use or later acquired for the production and distribution of steam heat; (3) gas system; (4) sanitary or storm sewer system or both, including the city sewage disposal plant; (5) public buildings owned or leased by the city; (6) *district heating system*. As used subsequently in sections 412.351 to 412.391, the term "public utility" means any water, light and power, gas or sewer system, or public buildings thus placed by ordinance under the jurisdiction of the public utilities commission. Any public utility not placed under the jurisdiction of the public utilities commission by the ordinance establishing the commission may be placed under the jurisdiction of the commission by an amendment to the original ordinance.

Sec. 4. Minnesota Statutes 1978, Section 412.361, Subdivision 3, is amended to read:

Subd. 3. The commission shall have power to buy all fuel and supplies, and it may purchase wholesale electric energy, steam heat, *hot water energy*, gas or water, as the case may be, for municipal distribution.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 429.021, Subdivision 1, is amended to read:

429.021 [LOCAL IMPROVEMENTS, COUNCIL POWERS.] Subdivision 1. [IMPROVEMENTS AUTHORIZED.] The council of a municipality shall have power to make the following improvements:

(1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water or similar mains to curb lines.

(2) To acquire, develop, construct, reconstruct, extend and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.

(3) To construct, reconstruct, extend and maintain steam heating mains.

(4) To install, replace, extend and maintain street lights and street lighting systems and special lighting systems.

(5) To acquire, improve, construct, reconstruct, extend and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.

(6) To acquire, improve and equip parks, open space areas, playgrounds and recreational facilities within or without the corporate limits.

(7) To plant trees on streets and provide for their trimming, care and removal.

(8) To abate nuisances and to drain swamps, marshes and ponds on public or private property and to fill the same.

(9) To construct, reconstruct, extend, and maintain dikes and other flood control works.

(10) To construct, reconstruct, extend and maintain retaining walls and area walls.

(11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain and promote a pedestrian skyway system.

(12) To acquire, construct, reconstruct, extend, operate, maintain and promote underground pedestrian concourses.

(13) To acquire, construct, improve, alter, extend, operate, maintain and promote public malls, plazas or courtyards.

(14) To construct, extend, and maintain district heating systems.

Sec. 6. Minnesota Statutes 1978, Chapter 465, is amended by adding a section to read:

[465.74] [AUTHORIZATION TO OPERATE DISTRICT HEATING SYSTEMS.] *Subdivision 1. [CITIES OF THE FIRST CLASS.] A city operating a public utility pursuant to chapter 452 or its charter may acquire, construct, own, and operate a municipal district heating system pursuant to the provisions of that chapter or its charter.*

Subd. 2. [CITIES OF THE SECOND AND THIRD CLASS.] A city authorized to operate an electric light plant or an electric light and power plant pursuant to chapter 455 or its charter may acquire, construct, own, and operate a municipal district heating system under that chapter or its charter.

Subd. 3. [EXTENSION OF SERVICE OUTSIDE CITY.] A municipal district heating system, operating pursuant to this section, may sell energy to customers located outside of the municipality and within the state but not more than a distance of 30 miles from the corporate limits of the municipality.

Subd. 4. [NET DEBT LIMITS.] The loan obligations incurred by a political subdivision pursuant to section 4 shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness.

Sec. 7. [APPROPRIATIONS.] Subdivision 1. The sum of \$49,600,000 is appropriated from the state building fund to the commissioner of finance for the purpose of making loans to municipalities for district heating systems pursuant to section 4. This appropriation is available for the following projects:

| | |
|--|---------------------|
| <i>(a) St. Paul</i> | <i>\$30,600,000</i> |
| <i>(b) Moorhead</i> | <i>\$10,000,000</i> |
| <i>(c) Red Wing and Minneapolis</i> | <i>\$ 8,000,000</i> |
| <i>(d) Preliminary planning, as defined in section 4, subdivision 5, clauses (a), (b) and (c), for Bagley, Aitkin and Virginia</i> | <i>\$ 1,000,000</i> |

Subd. 2. The sum of \$100,000 is appropriated from the general fund to the director of the energy agency for the period ending June 30, 1981, for the purpose of administering loans to municipalities pursuant to section 4. The approved complement of the energy agency is increased by one position.

Sec. 8. [BOND SALE; DEBT SERVICE.] To provide the money appropriated from the state building fund by section 10, subdivision 1, the commissioner of finance upon request of the governor shall sell and issue bonds of the state in an amount up to \$49,600,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, Sections 16A.63 to 16A.67, and by the Constitution, Article XI, Sections 4 to 7.

Sec. 9. [EFFECTIVE DATE.] This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "transportation" and insert "public improvements"

Page 1, line 3, delete "authorizing issuance"

Page 1, delete line 4 and insert:

"authorizing the Minnesota energy agency to administer and supervise a program of loans to municipalities for establishing and improving district heating systems; authorizing the issuance of state bonds; authorizing cities to operate district heating systems; appropriating money; amending Minnesota Statutes 1978, Sections 412.321, Subdivision 1; 412.351; 412.361, Subdivision 3; Chapter 116H, by adding a section; and Chapter 465, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 429.021, Subdivision 1."

Mr. Ulland, J. questioned whether the amendment was germane.

The President ruled the amendment was germane.

The question recurred on the motion of Mr. Knoll. The motion prevailed. So the amendment was adopted.

SUSPENSION OF RULES

Mr. Penny moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1813 and that the rules of the Senate be so far suspended as to give H. F. No. 1813 its third reading and place it on its final passage. The motion prevailed.

H. F. No. 1813 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 45 and nays 16, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|------------|-------------|------------|
| Barrette | Hanson | McCutcheon | Perpich | Solon |
| Benedict | Hughes | Menning | Peterson | Spear |
| Chmielewski | Humphrey | Merriam | Purfeerst | Staples |
| Coleman | Johnson | Moe | Rued | Stokowski |
| Davies | Keefe, S. | Nelson | Schmitz | Strand |
| Dieterich | Knoll | Nichols | Setzepfandt | Ueland, A. |
| Engler | Laufenburger | Olhoft | Sieloff | Vega |
| Gearty | Lessard | Olson | Sikorski | Wegener |
| Gunderson | Luther | Penny | Sillers | Willet |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|-----------|-----------|------------|
| Ashbach | Dunn | Keefe, J. | Knutson | Renneke |
| Bang | Frederick | Kirchner | Omann | Tennessee |
| Bernhagen | Jensen | Knaak | Pillsbury | Ulland, J. |
| Brataas | | | | |

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

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

REPORTS OF COMMITTEES

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

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

S. F. No. 121: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; removing references to legislative days.

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

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

S. F. No. 1696: A bill for an act relating to the legislature; proposing an amendment to Article IV, Section 23 of the Minnesota Constitution; extending the ordinary period for the governor to consider vetoing a bill; providing for a "veto session" of the legislature at which it may consider overriding a governor's veto of a bill returned after the legislature's adjournment.

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

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

S. F. No. 1827: A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; adding a provision to allow the legislature to call a special session.

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

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

S. F. No. 2203: A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

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

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

S. F. No. 1550: A bill for an act proposing an amendment to the Minnesota Constitution, Article V, Section 3; removing the requirements that notaries public be approved by the senate; amending Minnesota Statutes 1978, Section 359.01.

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

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

S. F. No. 2116: A bill for an act proposing an amendment to the Minnesota Constitution, Article X, Section 6; removing restrictions upon the power to tax the mining, production or beneficiation of copper, copper-nickel or nickel.

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

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

S. F. No. 599: A bill for an act relating to initiative and referendum; proposing amendments to the Minnesota Constitution, Article IV, by adding sections; authorizing initiative and referendum on laws; providing a statute implementing the amendment; providing for the manner of petitioning and voting on initiative and referendum measures; providing for judicial review; providing certain restrictions on the consideration of measures; providing penalties; amending Minnesota Statutes 1978, Sections 10A.01, Subdivision 15; 10A.20 by adding a subdivision; 203A.31, Subdivision 2; and 645.02.

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

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

S. F. No. 1762: A bill for an act relating to the legislature; proposing an amendment to the Minnesota Constitution, Article XI, by adding a section; providing a constitutional limit on state appropriations; providing a statute implementing the amendment.

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

Mr. Gearty from the Committee on Elections, to which was referred the following appointment as reported in the Journal for March 28, 1980:

STATE ETHICAL PRACTICES BOARD

Henry J. Savelkoul

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

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

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

H. F. No. 102: A bill for an act relating to children; changing liability of parents for damage done by their minor children; amending Minnesota Statutes 1978, Section 540.18, Subdivision 1.

Reports the same back with the recommendation that the report from the Committee on Judiciary shown in the Journal for March 20, 1980, "And when so amended the bill do pass" be adopted. Amendments adopted. Report adopted.

Mr. Coleman from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S. F. No. 1668: A bill for an act relating to health care; further defining "qualified expense" as it relates to catastrophic health expense protection; amending Minnesota Statutes 1978, Section 62E.52, Subdivision 3.

Reports the same back with the recommendation that the report from the Committee on Commerce shown in the Journal for March 20, 1980, "And when so amended the bill do pass" be adopted. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 121, 1696, 1827, 2203, 1550, 2116, 599, 1762 and 1668 were read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

SECOND READING OF HOUSE BILLS

H. F. No. 102 was read the second time and referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS—CONTINUED

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused for a Conference Committee on H. F. No. 2023 at 4:30 p.m.:

Messrs. Merriam, Willet and Dunn. The motion prevailed.

Pursuant to Rule 21, Mr. Keefe, J. moved that the following members be excused for a Conference Committee on S. F. No. 1875 at 5:45 p.m.:

Messrs. Keefe, J.; Olson and Gunderson. The motion prevailed.

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused for a Conference Committee on H. F. No. 1781 at 6:00 p.m.:

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

MEMBERS EXCUSED

Messrs. Stumpf and Ogdahl were excused from the Session of today at 5:00 o'clock p.m. Mr. Dieterich was excused from the Session of today from 3:05 to 3:25 o'clock p.m.

RECESS

Mr. Coleman moved that the Senate do now recess until 8:45 o'clock p.m. The motion prevailed.

The hour of 8:45 o'clock p.m. having arrived, the President called the Senate to order.

Pursuant to Rule 21, Mr. Willet moved that the following members be excused for a Conference Committee on S. F. No. 364 at 8:45 p.m.:

Messrs. Willet, McCutcheon and Sillers. The motion prevailed.

Pursuant to Rule 21, Mr. Merriam moved that the following members be excused for a Conference Committee on H. F. No. 1781 at 9:00 p.m.:

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

Pursuant to Rule 21, Mr. McCutcheon moved that the following members be excused for a Conference Committee on H. F. No. 1121 at 9:00 p.m.:

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

CALL OF THE SENATE

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

| | | | | |
|-------------|--------------|---------|-----------|------------|
| Aashbach | Dieterich | Luther | Pillebury | Strand |
| Bang | Dunn | Menning | Purfeerst | Ulland, J. |
| Barrette | Gearty | Merriam | Schmitz | Vega |
| Benedict | Gunderson | Nelson | Sikorski | Willet |
| Brataas | Humphrey | Nichols | Spear | |
| Chmielewski | Keefe, S. | Ogdahl | Staples | |
| Coleman | Kleinbaum | Olhoft | Stern | |
| Davies | Laufenburger | Penny | Stokowski | |

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

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S. F. No. 507: A bill for an act relating to taxation; providing for a levy apportionment for certain jurisdictions upon an assessment level differential greater than five percent; amending Minnesota Statutes 1978, Section 270.12, Subdivision 3.

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

Jude, Jacobs and Onnen.

Senate File No. 507 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 31, 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. 1649: A bill for an act relating to agriculture; providing for testing to measure milk protein; providing for payments for milk protein and nonfat solids; amending Minnesota Statutes 1978, Section 32.25, Subdivision 1.

Senate File No. 1649 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned March 31, 1980

Mr. Gunderson moved that the Senate do not concur in the amendments by the House to S. F. No. 1649 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 475.

H. F. No. 475: A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1978, Sections 144.55; and 144.50, Subdivision 1.

And the House respectfully requests that a Conference Committee of five members be appointed thereon:

Berkelman; Swanson; Reif; Nelsen, M. and Heinitz have been appointed as such committee on the part of the House.

House File No. 475 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 31, 1980

Mr. Nelson moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 475, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 2187.

H. F. No. 2187: A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in the city of Brooklyn Center.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Ellingson; Carlson, L. and Rothenberg have been appointed as such committee on the part of the House.

House File No. 2187 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 31, 1980

Mr. Luther moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 2187, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S. F. No. 133: A bill for an act relating to partnerships; enacting the 1976 uniform limited partnership act.

Senate File No. 133 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives
Returned March 31, 1980

Mr. Davies moved that the Senate do not concur in the amendments by the House to S. F. No. 133 and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1453.

H. F. No. 1453: A bill for an act relating to retirement; authorizing payment of severance pay to retiring employees; validating past payments; amending Minnesota Statutes 1978, Section 356.24; and Minnesota Statutes, 1979 Supplement, Section 465.72.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Johnson, D.; Patton and Moe have been appointed as such committee on the part of the House.

House File No. 1453 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 31, 1980

Mr. Setzepfandt moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1453, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1435.

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.

And the House respectfully requests that a Conference Committee of three members be appointed thereon.

Forsythe, Reif and McCarron have been appointed as such committee on the part of the House.

House File No. 1435 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 31, 1980

Mrs. Knaak moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1435, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1818.

H. F. No. 1818: A bill for an act relating to game and fish; authorizing moose seasons in the discretion of the commissioner; granting preference to landowners in obtaining moose licenses; amending Minnesota Statutes 1978, Section 100.27, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 100.271, Subdivision 1.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Reding; Carlson, D. and Kostohryz have been appointed as such committee on the part of the House.

House File No. 1818 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 31, 1980

Mr. Peterson moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1818, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1095.

H. F. No. 1095: A bill for an act relating to courts; authorizing certain actions against state officers to be tried in a county other than where the cause of action arose; providing for procedure for removal; amending Minnesota Statutes 1978, Sections 542.03; and 542.18.

And the House respectfully requests that a Conference Committee of three members be appointed thereon:

Corbid, Faricy and Crandall have been appointed as such committee on the part of the House.

House File No. 1095 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives
Transmitted March 31, 1980

Mr. Hanson moved that the Senate accede to the request of the House for a Conference Committee on H. F. No. 1095, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Hanson moved that the Senate take up the Special Orders Calendar. The motion prevailed.

SPECIAL ORDER

H. F. No. 1942: A bill for an act relating to public welfare; requiring reporting of abuse or neglect of vulnerable adults; requiring certain facilities to establish abuse prevention plans;

establishing penalties; appropriating money; amending Minnesota Statutes 1978, Chapter 626, by adding a section; repealing Minnesota Statutes 1978, Sections 245.813; and 626.555.

Mr. Spear moved that the amendment made to H. F. No. 1942 by the Committee on Rules and Administration in the report adopted March 31, 1980, pursuant to Rule 49, be stricken. The motion prevailed. So the amendment was stricken.

Mr. Spear further moved to amend H. F. No. 1942 as follows:

Page 1, delete section 1

Page 2, line 15, delete "clearly"

Page 2, lines 21 and 30, delete "245.813" and insert "245.812"

Page 3, line 10, delete "The infliction of physical injury,"

Page 3, line 10, after "intentional" insert "and nontherapeutic"

Page 3, line 11, after "pain" insert "or injury"

Page 3, delete lines 13 and 14

Page 3, line 28, delete "Minnesota Statutes, Section" and insert "section"

Page 4, delete line 25 and insert "require the reporting or transmittal of information regarding an incident of abuse or neglect or suspected abuse or neglect if the incident has been reported or transmitted to the appropriate person or entity."

Page 6, line 13, after "any" insert "civil" and delete ", civil or criminal,"

Page 6, lines 15, 21 and 24, delete "willfully" and insert "intentionally"

Page 6, line 30, delete "Minnesota Statutes, Section" and insert "section"

Page 8, line 20, delete "Minnesota"

Page 8, line 21, delete "Statutes, Sections 15.162 to 15.1671" and insert "sections 15.1611 to 15.1698"

Page 9, line 13, delete "15.162 to 15.1671" and insert "15.1611 to 15.1698"

Page 12, after line 25, insert:

"Subd. 19. [PENALTY.] Any caretaker, as defined in section 1, subdivision 2, or operator or employee thereof, or volunteer worker thereat, who intentionally abuses or neglects a vulnerable adult, or being a caretaker, permits conditions to exist which result in the abuse or neglect of a vulnerable adult, may be charged with a violation of section 609.23."

Page 12, line 27, delete ", Subdivisions 2, 3, 4, 5, 6, 7, 8, and 9,"

Page 12, line 33, delete "4" and insert "3"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "Section"

Page 1, line 7, delete everything before "Chapter"

Page 1, line 9, delete everything after "245.813"

Page 1, line 10, delete "6, 7, 8, and 9"

The motion prevailed. So the amendment was adopted.

SUSPENSION OF RULES

Mr. Spear moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H. F. No. 1942 and that the rules of the Senate be so far suspended as to give H. F. No. 1942 its third reading and place it on its final passage. The motion prevailed.

H. F. No. 1942 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|---------|-------------|------------|
| Anderson | Dunn | Luther | Pillsbury | Staples |
| Ashbach | Engler | Menning | Purfeerst | Stern |
| Bang | Gearity | Moe | Renneke | Stokowski |
| Barrette | Gunderson | Nelson | Rued | Strand |
| Benedict | Humphrey | Nichols | Schmitz | Tennessen |
| Bernhagen | Keefe, J. | Ogdahl | Setzepfandt | Ueland, A. |
| Brataas | Keefe, S. | Olhoff | Sieloff | Ulland, J. |
| Chmielewski | Kirchner | Omann | Sikorski | Vega |
| Davies | Kleinbaum | Penny | Solon | |
| Dieterich | Knaak | Perpich | Spear | |

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

Pursuant to Rule 21, Mr. Moe moved that the following members be excused for a Conference Committee on H. F. No. 2476:

Messrs. Coleman, Ashbach, Willet, Spear and Moe. The motion prevailed.

SPECIAL ORDER

H. F. No. 1513: A bill for an act relating to the environment; regulating activities of drillers of exploratory borings; specifying the powers and duties of public officers and agencies; providing penalties; amending Minnesota Statutes 1978, Sections 156A.01; 156A.02, Subdivision 1, and by adding subdivisions; 156A.03, Subdivision 1; 156A.04; 156A.08; and Chapter 156A, by adding a section.

Mr. Luther moved to amend the amendment placed on H. F.

No. 1513 by the Committee on Agriculture and Natural Resources, adopted by the Senate March 18, 1980, as follows:

In the amendment to page 8

Line 7, delete "*confidential*" and insert "*to be not public data*"

Line 16, delete "*confidential*" and insert "*not public*"

Amend House File No. 1513 as follows:

Page 3, line 23, delete "7" and insert "8"

Page 6, line 16, delete "*confidential*" and insert "*to be not public data*"

Page 8, line 14, delete "*not*"

Page 8, line 15, delete "*confidential*" and insert "*public data*"

Page 8, line 26, delete "*not*"

Page 8, line 26, delete "*confidential*" and insert "*public data*"

The motion prevailed. So the amendment was adopted.

Mr. Chmielewski moved to amend the amendment placed on H. F. No. 1513 by the Committee on Agriculture and Natural Resources, adopted by the Senate March 18, 1980, as follows:

Delete subdivision 2 and insert:

"Subd. 2. No producer or refiner of petroleum products with sales of petroleum or petroleum products in excess of \$15,000,000,000 annually as of the effective date of this act shall directly or indirectly through subsidiaries, joint ventures or otherwise, maintain any interest in any entity engaging in the exploration for, mining of or processing of uranium within the state after the effective date of this act. The \$15,000,000,000 limit shall be adjusted annually to reflect the change in the revised consumer price index for all urban consumers for the Minneapolis-St. Paul metropolitan area prepared by the United States department of labor with 1967 as base year."

Renumber the subdivisions in sequence

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

Mr. Anderson moved to amend the amendment placed on H. F. No. 1513 by the Committee on Agriculture and Natural Resources, adopted by the Senate March 18, 1980, as follows:

Delete the amendment to page 2, line 10

Delete the amendment to page 4, after line 19

Delete the instruction to renumber the subdivisions

The motion prevailed. So the amendment was adopted.

Mr. Dunn moved to amend H. F. No. 1513, as amended by the Committee on Agriculture and Natural Resources, adopted by the Senate March 18, 1980, as follows:

Page 10, line 5, after the period insert "*Before March 1, 1981,*

the board shall forward its findings and recommendations on exploration to the appropriate standing committees in the house and senate. Before June 1, 1981, the board shall forward its findings and recommendations on mining to the appropriate standing committees in the house and senate."

Page 10, line 10, delete "June" and insert "July"

The motion prevailed. So the amendment was adopted.

H. F. No. 1513 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

| | | | | |
|-------------|-----------|--------------|-------------|------------|
| Anderson | Engler | Laufenburger | Penny | Staples |
| Bang | Gearty | Lessard | Perpich | Stern |
| Barrette | Gunderson | Luther | Pillsbury | Stokowski |
| Benedict | Hughes | Menning | Purfeerst | Strand |
| Bernhagen | Humphrey | Merriam | Renneke | Stumpf |
| Brataas | Keefe, J. | Nelson | Rued | Tennessen |
| Chmielewski | Kirchner | Ogdahl | Schmitz | Ulland, J. |
| Davies | Kleinbaum | Olhoft | Setzepfandt | Vega |
| Dieterich | Knaak | Olson | Sieloff | Wegener |
| Dunn | Knoll | Omann | Sikorski | |

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

SPECIAL ORDER

H. F. No. 1763: A bill for an act relating to education; increasing the bonding authority of the higher education coordinating board; amending Minnesota Statutes, 1979 Supplement, Section 136A.171.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 42 and nays 1, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|-----------|-----------|------------|
| Bang | Humphrey | Nelson | Renneke | Strand |
| Barrette | Keefe, J. | Ogdahl | Rued | Stumpf |
| Benedict | Kirchner | Olhoft | Schmitz | Ueland, A. |
| Bernhagen | Knaak | Olson | Sieloff | Ulland, J. |
| Brataas | Knoll | Omann | Sikorski | Vega |
| Chmielewski | Laufenburger | Penny | Solon | Wegener |
| Engler | Lessard | Perpich | Staples | |
| Gearty | Luther | Pillsbury | Stern | |
| Gunderson | Menning | Purfeerst | Stokowski | |

Mr. Davies voted in the negative.

So the bill passed and its title was agreed to.

SPECIAL ORDER

H. F. No. 1981: A bill for an act relating to public welfare; authorizing certain payments to shelter facilities for battered women; requiring direct payments to shelter facilities from general assistance; amending Minnesota Statutes 1978, Section 256D.05, Subdivision 3.

Mrs. Staples moved to amend H. F. No. 1981 as follows:

Page 2, after line 15, insert:

"Sec. 2. [REPEALER.] *Minnesota Statutes 1978, Section 609.349, is repealed.*"

Page 2, line 16, delete "2" and insert "3"

Page 2, line 16, delete "*Section 1 is*" and insert "*Sections 1 and 2 are*"

Page 2, line 17, before the period insert "*and section 2 applies to all crimes committed on or after that date.*"

Amend the title as follows:

Page 1, line 2, delete "public welfare" and insert "crimes"

Page 1, line 5, after the semicolon insert "providing that the status of marriage or an ongoing voluntary sexual relationship of cohabiting adults shall not be a defense to prosecution for criminal sexual conduct"

Page 1, line 6, before the period insert "; repealing Minnesota Statutes 1978, Section 609.349"

Mr. Sieloff questioned whether the amendment was germane.

The President ruled that the amendment was germane.

CALL OF THE SENATE

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

| | | | | |
|-------------|--------------|---------|-------------|------------|
| Barrette | Gearty | Lessard | Perpich | Staples |
| Benedict | Humphrey | Luther | Pillsbury | Stern |
| Bernhagen | Jensen | Menning | Renneke | Stokowski |
| Brataas | Keefe, J. | Nelson | Rued | Stumpf |
| Chmielewski | Keefe, S. | Ogdahl | Schmitz | Tennessee |
| Davies | Kirchner | Olhoft | Setzepfandt | Ueland, A. |
| Engler | Knaak | Omann | Sieloff | Vega |
| Frederick | Laufenburger | Penny | Sikorski | Wegener |

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

H. F. No. 1981 was then progressed.

SPECIAL ORDER

S. F. No. 2181: A bill for an act relating to taxation; sales; exempting sales of road building materials; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1; repealing Minnesota Statutes 1978, Section 297A.25, Subdivision 4.

Mr. Keefe, J. moved to amend S. F. No. 2181 as follows:

Page 8, line 33, delete "*road building materials*" and insert "*sand, gravel, and crushed rock*"

Amend the title as follows:

Page 1, line 3, delete "*road building materials*" and insert "*sand, gravel, and crushed rock used in road construction*"

The motion prevailed. So the amendment was adopted.

S. F. No. 2181: A bill for an act relating to taxation; sales; exempting sales of sand, gravel, and crushed rock used in road construction; amending Minnesota Statutes, 1979 Supplement, Section 297A.25, Subdivision 1; repealing Minnesota Statutes 1978, Section 297A.25, Subdivision 4.

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

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

The roll was called, and there were yeas 49 and nays 10, as follows:

Those who voted in the affirmative were:

| | | | | |
|-------------|--------------|---------|-------------|------------|
| Anderson | Gearly | Lessard | Perpich | Staples |
| Ashbach | Hughes | Menning | Pillsbury | Stern |
| Bang | Humphrey | Moe | Renneke | Stokowski |
| Barrette | Jensen | Nelson | Rued | Strand |
| Bernhagen | Keefe, J. | Nichols | Schaaf | Ueland, A. |
| Brataas | Kirchner | Ogdahl | Schmitz | Ulland, J. |
| Chmielewski | Kleinbaum | Olthoff | Setzepfandt | Vega |
| Coleman | Knaak | Olson | Sieloff | Wegener |
| Engler | Knutson | Omann | Sikorski | Willet |
| Frederick | Laufenburger | Penny | Solon | |

Those who voted in the negative were:

| | | | | |
|----------|-----------|-----------|---------|-----------|
| Benedict | Dieterich | Keefe, S. | Luther | Stumpf |
| Davies | Gunderson | Knoll | Merriam | Tennessen |

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Anderson moved that H. F. No. 797 be taken from the table. The motion prevailed.

H. F. No. 797: A bill for an act relating to juveniles; juvenile traffic offenders; requiring prosecution of juveniles who commit minor traffic offenses under laws controlling adult offenders; amending Minnesota Statutes 1978, Sections 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivision 3; and 260.193.

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

RECESS

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

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

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

REPORTS OF COMMITTEES

Mr. Coleman from the Subcommittee on Bill Scheduling, to which were referred S. F. Nos. 599, 1827, 1696, 2116, 2203, 1550, 121 and 1762, makes the following report:

That the above Senate Files be placed on the Special Orders Calendar in the order indicated.

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

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

APPOINTMENTS

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

S. F. No. 133: Messrs. Davies, Spear, Bernhagen.

S. F. No. 1649: Messrs. Gunderson, Renneke, Strand.

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

CALL OF THE SENATE

Mr. Coleman imposed a call of the Senate for the proceedings on S. F. No. 2085. The following Senators answered to their names:

| | | | | |
|-----------|--------------|-----------|-------------|------------|
| Anderson | Frederick | Lessard | Renneke | Stokowski |
| Ashbach | Gearty | Luther | Rued | Strand |
| Bang | Hughes | Menning | Schaaf | Stumpf |
| Barrette | Humphrey | Merriam | Schmitz | Tennesen |
| Benedict | Keefe, S. | Moe | Setzepfandt | Ueland, A. |
| Bernhagen | Kirchner | Nichols | Sieloff | Ulland, J. |
| Brataas | Kleinbaum | Ogdahl | Sikorski | Vega |
| Coleman | Knaak | Olhoft | Solon | Wegener |
| Davies | Knoll | Olson | Spear | Willet |
| Dieterich | Knutson | Penny | Staples | |
| Engler | Laufenburger | Pillsbury | Stern | |

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

SPECIAL ORDER

Pursuant to Rule 10, Mr. Coleman, Chairman of the Subcommittee on Bill Scheduling, designated S. F. No. 2085 a Special Order to be heard immediately.

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 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; abolishing the personnel board and transferring the duties thereof; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.005, by adding a subdivision; 43.01, Subdivision 8; 43.05, Subdivision 2, and by adding a subdivision; 43.062, Subdivision 1; 43.065; 43.067, Subdivision 2; 43.068; 43.111; 43.245; 43.321; 43.323, Subdivision 1; 43.35; 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; 246.014; 352.01, Subdivision 2B; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 15A.083, Subdivision 4; 43.05, Subdivision 2; 43.062, Subdivision 3; 43.067, Subdivision 1; 43.09, Subdivision 2a; 43.19, Subdivision 1; 43.24; 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; 43.01, Subdivision 7; 43.03; 43.06; 43.062, Subdivision 2; 43.07; 43.324, Subdivision 2; 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.

Mr. Coleman moved to amend S. F. No. 2085 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; (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 collective bargaining activities with state employees, the commission shall conduct hearings at which public employees, representatives of public employees and the commissioner of personnel shall be allowed to testify as to their beginning negotiating positions. The commissioner of personnel employee relations shall regularly advise the commission on the progress of collective bargaining activities with state employees pursuant to the state public employment 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, subdivision 5. 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 bar-

gaining 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*

~~(c)~~ *(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 title 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 1973, 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 commissioners for the divisions of personnel and labor relations 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 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.

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 collective bargaining agreements between the state and exclusive representatives and provide state management personnel with training in the interpretation and application of these collective bargaining agreements;

(e) Oversee the administration of all written grievances arising under collective bargaining agreements 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 admin-

istration 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 collective bargaining agreement, 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 collective bargaining agreement 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, classification and selection of state employees on the basis of their relative ability, knowledge and skills, including sections 43.111, 43.12, subdivision 1, 43.13 to 43.15, 43.17, 43.18, subdivisions 1 to 3, 43.19, subdivisions 2 and 3, 43.20, 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 who*

are not represented by an exclusive representative certified pursuant to chapter 179 and whose compensation is not provided for by section 43.064 or other 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) Compensation 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.

(4) Compensation for positions within the classified service bear equitable relationships among related job classes and among various levels within the same job family or department.

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 1978, Section 43.18, Subdivision 4, is amended to read:

Subd. 4. [APPOINTMENT; PROBATION.] The appointing authority shall appoint on probation, with sole reference to merit and fitness, one of the said candidates, whose name is certified in the manner above set forth, to fill such vacancy, except as provided in section 43.23. Seniority in length of service shall may also be one of the factors in an appointment in the manner as provided by personnel rule. The provisions of this section shall not apply when the employment situation is among those listed in section 43.20, for which competitive examinations are not required.

Sec. 12. 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 execu-

tive 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. 13. 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. Collective bargaining agreements entered into pursuant to chapter 179 may, and are encouraged to, provide for pay increases based on employee performance.

Sec. 14. 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 a collective bargaining agreement entered into pursuant to chapter 179 which provides for methods and procedures to resolve that type of grievance.

Sec. 15. 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 need not provide health maintenance services to an employee who resides in an area which is not served by a licensed carrier. 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 eleven 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. 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. 16. 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. 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.

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. 17. 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 health hospital benefits and basic medical benefits coverage authorized for eligible state employees as provided by pursuant to this chapter. Effective July 1, 1979, 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, 1979, 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, 1979 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. 18. 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~~ *collective bargaining agreement entered into pursuant to chapter 179 and reasonable 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. 19. Minnesota Statutes 1978, Section 179.63, Subdivision 7, is amended to read:

Subd. 7. "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's bargaining unit;
- (f) employees who hold positions of a basically temporary or seasonal character for a period not in excess of 100 working days in any calendar year;
- (g) employees of charitable hospitals as defined by section 179.35, subdivision 3;
- (h) *full time undergraduate students employed by the school which they attend under a work study program or in connection with the receipt of any financial aid, irrespective of number of hours of service per week.*

Sec. 20. 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 or employees of the regents of the University of Minnesota, "confidential employee" means any employee who has access to information subject to use by the public employer in collective bargaining or who actively participates in collective bargaining on behalf of the public employer.*

Sec. 21. 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 patrolman, guards at correctional institutions facilities, and employees of hospitals other than state hospitals and registered nurses, as defined in section 149.171, engaged in the practice of professional nursing and employed in a state hospital or state nursing home; provided that (1) with respect to state employees, "essential employee" means all employees in the law enforcement, health care professional, correctional guards, and supervisory collective bargaining units, irrespective of severance, and no other employees, and (2) with respect to university of Minnesota employees, "essential employee" means all employees in the law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. The term "firefighters" means salaried employees of a fire department whose duties include, directly or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires.

Sec. 22. 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, managerial; and supervisory employees, principals and assistant principals, shall have the right to strike only under the following circumstances: (1) The employer has violated section 179.68, subdivision 2, clause (9); (2) with respect to all employees other than teachers, the employer and the exclusive representative have participated in mediation sessions called pursuant to section 179.69 at least 30 days prior to the expiration date of the contract, and either: (i) one party has rejected a request by the other party for binding arbitration pursuant to section 179.69 or 179.692; or (ii) 30 days after an impasse in contract negotiations there is no agreement to submit the issues in dispute to binding arbitration; (3) with respect to teachers the employer and the exclusive representative have participated in mediation sessions called pursuant to section 179.69 for a period extending at least 30 days beyond the expiration date of the contract, and either: (i) one party has rejected a request by the other party for binding arbitration pursuant to section 179.69 or 179.692; or (ii) 30 days after an impasse in contract negotiations there is no agreement to submit the issues in dispute to binding arbitration. (b) Nonessential state employees shall have the right to strike only under the following circum-

stances: the employer has violated section 179.68, subdivision 2, clause (9); (2) the employer and the exclusive representative have participated in mediation sessions called pursuant to section 179.69 at least 30 days prior to the expiration date of the contract, and either: (i) one party has rejected a request by the other party for binding arbitration pursuant to section 179.69 or (ii) 30 days after an impasse in contract negotiations there is no agreement to submit the issues in dispute to binding arbitration; (3) 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 (4) 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 date of a contract and ten days after service of written notification of intent to strike by the exclusive representative on the public employer and the bureau of mediation services service may be made by certified mail. If more than 30 days have expired after service of a notice of intent to strike, no strike may commence until ten days after service of a new written notification of intent to strike. Except as authorized in this subdivision, all strikes by public employees shall be illegal. Except as provided in this subdivision, no unfair labor practice or violation of sections 179.61 to 179.76 by a public employer shall give public employees a right to strike. Those factors may be considered by the court in mitigation of or retraction of any penalties provided by this section.

Sec. 23. 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. 24. 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. 25. 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 re-appointed, 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. 26. 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 the election shall be binding and shall terminate any right to the alternative procedures. The same proceedings proceeding may upon application to the court by an employer, an employee, or employee organization and the issuance of an appropriate order by the court include more than one employee's employment status 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. 27. Minnesota Statutes, 1979 Supplement, Section 179.65, Subdivision 6, is amended to read:

Subd. 6. *Except for confidential employees excluded from bargaining pursuant to section 179.74, subdivision 4, and section 38, 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 with another employee organization which has as its members non-supervisory employees or non-confidential employees is permitted. A supervisory or confidential employee organization which is affiliated, either directly or indirectly, with another employee organization which is the exclusive representative of non-supervisory or non-confidential employees of the same public employer or with a federation or other joint body of employee organizations, any one of whose affiliates is the exclusive representative of non-supervisory or non-confidential employees of the same public employer shall not be certified as, or act as, an exclusive representative pursuant to sections 179.61 to 179.76 or section 38.*

Sec. 28. 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. 29. 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 receiving 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. Except for essential employees, absent the consent of both parties, conferences shall not continue beyond 30 days.

Sec. 30. 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 when only one party need petition jointly, petition for binding arbitration stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 could 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 di-

rector 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 170.64, subdivision 7.

Sec. 31. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.691] *If the public employer and the exclusive representative fail to execute a contract by the expiration date of an existing agreement, they shall be conclusively presumed to be at an impasse. Upon an impasse, either party may petition the director for binding arbitration except in the case of negotiations involving teachers when a petition may be filed no earlier than 30 days after the expiration date of an existing contract. When a petition for binding arbitration is filed by either party and an impasse exists, the director shall notify the other party of the filing of a petition for binding arbitration. The other party shall have 15 days after notification of the filing of the petition to reject the request or to agree to submit matters not agreed upon to binding arbitration. If the other party does not respond within 15 days, the failure to respond shall be regarded as a refusal to submit to binding arbitration within the meaning of section 179.64, subdivision 1a.*

Sec. 32. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.692] *If a new or different exclusive representative is certified by the director at any time other than the period provided for decertification pursuant to statute or rule, or if on the expiration date of an existing contract a representation proceeding involving the employer and the employer's teachers is before the director, the provisions of section 179.691 shall not apply. In those cases, the employer and the exclusive representative of the employees shall execute a written contract or memorandum of contract as provided in section 179.70 no later than 45 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and the exclusive representative fail to execute a contract by 45 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated for a period of no less than 30 days in mediation sessions called pursuant to section 179.69.*

Upon an impasse, either party may petition the director for binding arbitration. When a petition for binding arbitration is

filed by either party and an impasse exists, the director shall notify the other party of the filing of a petition for binding arbitration. The other party shall have 15 days after notification of the filing of the petition to reject the request or to agree to submit matters not agreed upon to binding arbitration. If the other party does not respond within 15 days, the failure to respond shall be regarded as a refusal to submit to binding arbitration within the meaning of section 179.64, subdivision 1a.

Sec. 33. 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 38.* 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. 34. Minnesota Statutes 1978, Section 179.71, Subdivision 5, is amended to read:

Subd. 5. In addition to all other duties imposed by 179.77;

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

~~(g) (f) 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) (g) 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) (h) promulgate a grievance procedure to effectuate the purposes of section 179.70, subdivision 1. Such ~~The~~ grievance procedure shall not provide for the services of the bureau of mediation services. The exercise of authority granted by this clause shall be subject to the provisions of chapter 15; said. The grievance procedure ~~to~~ shall be available to any public employee employed in a unit not covered by a negotiated contractual grievance procedure as contained in section 179.70, subdivision 1;

(j) (i) conduct elections;

(j) assign state employee classifications and university of Minnesota classifications to the appropriate units provided in section 38, when the classifications have not been assigned pursuant to section 38, or have been significantly modified in occupational content subsequent to assignment pursuant to section 38, and assign supervisory employees to the appropriate units provided in section 38 when the positions have not been assigned pursuant to section 38 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. 35. 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 5; the board shall constitute an arbitration panel as follows:

The parties shall, under the direction of the chairman of the board, alternately strike names from a list of seven arbitrators until only three names remain, which three members shall be members of the panel; provided, however, that if either party requests the parties shall select a single arbitrator to hear the dispute. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. In submitting names of arbitrators to the parties the board shall endeavor whenever possible to include names of persons from the general geographical area in which the public employer is located. The panel shall assume and have jurisdiction over the items of dispute certified to the board for which the panel was constituted. The panel's orders shall be issued upon a majority vote of members considering a given dispute. The members of the panel shall be paid their actual and necessary traveling and other expenses incurred in the performance of their duties plus a per diem allowance of \$180 for each day or part thereof while engaged in the consideration of a dispute. All fees, expenses and costs of the panel shall be shared and assessed equally to the parties of 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. 36. Minnesota Statutes 1978, Section 179.74, Subdivision 2, is amended to read:

Subd. 2. The employer of state employees shall be, for purposes of sections 179.61 to ~~179.77~~ 179.76, the commissioner of personnel *employee relations* or his representative.

Sec. 37. 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. 38. 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 *each of the units specified in section 38, subdivision 1,* 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 179.76. *The appropriate units provided for in section 38 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, *all positions of physician employees compensated pursuant to section 43.126, the positions of all unclassified employees appointed by the governor, lieutenant governor, secretary of state, attorney general, treasurer and auditor, all positions in the bureau of mediation services and the public employment relations board, 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. 39. 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 38, subdivision 1. 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 3.855. 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 3.855 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. 40. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.741] [STATE AND UNIVERSITY OF MINNESOTA 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 16. Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. 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 March 24, 1980.

(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 March 24, 1980.

(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 March 24, 1980.

(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 March 24, 1980.

(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 March 24, 1980.

(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 March 24, 1980.

(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 March 24, 1980.

(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 March 24, 1980.

(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 March 24, 1980.*

(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 March 24, 1980.*

(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 March 24, 1980.*

(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 March 24, 1980.*

(15) *Professional state residential instructional 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 March 24, 1980.*

(16) *Supervisory employees 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 March 24, 1980.*

Subd. 2. [STATE EMPLOYEE SEVERANCE.] *Each of the following groups of employees shall have the right, as specified in this subdivision, to separate from the general professional, health treatment or general supervisory units provided for in subdivision 1: attorneys, physicians, highway patrol-supervisors, and criminal apprehension investigative-supervisors. This right shall be exercised by petition during the period commencing on the effective date of this section and concluding thirty days after that date or, after January 1, 1981, during the sixty 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 an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the 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.

Subd. 3. [UNIVERSITY OF MINNESOTA.] All appropriate units of university of Minnesota employees certified as of the effective date of this section are abolished. The following shall be the appropriate units of university of Minnesota employees for the purposes of sections 179.61 to 179.76. All units shall exclude managerial and confidential employees and supervisory employees shall only be assigned to unit 12. No additional units of university of Minnesota employees shall be recognized for the purpose of meeting and negotiating.

(1) Law enforcement unit. This unit shall consist of the positions of all employees with the power of arrest.

(2) Craft and trades unit. This unit shall consist of the positions of all employees whose work requires specialized manual skills and knowledge acquired through formal training or apprenticeship or equivalent on-the-job training or experience.

(3) Service, maintenance and labor unit. This unit shall consist of the positions of all employees whose work is typically that of maintenance, service or labor and which does not require extensive previous training or experience, except as provided in unit 4.

(4) Health care non-professional unit. This unit shall consist of the positions of all non-professional employees of the university of Minnesota hospitals, dental school and health service whose work is unique to those settings, excluding labor and maintenance employees as defined in unit 3.

(5) Nursing 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 the positions of all employees whose work is typically clerical or secretarial, including non-technical data recording and retrieval and general office work, except as provided in unit 4.

(7) Technical unit. This unit shall consist of the positions of all employees whose work is not typically manual and which requires specialized knowledge or skills acquired through two year academic programs or equivalent experience or on-the-job training, except as provided in unit 4.

(8) Twin Cities instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow located on the Twin Cities campuses.

(9) Duluth instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor,

associate professor, assistant professor, including research associate, or instructor, including research fellow, located at the Dukuth campus, provided that the positions of instructional employees of the same ranks at the Morris, Crookston or Waseca campuses shall be included within this unit if a majority of the eligible employees voting at a campus so vote during an election conducted by the director. The election shall be held when an employee organization or group of employees petitions the director stating that a majority of the eligible employees at one of these campuses wishes to join the unit when this petition is supported by a showing of at least 30 percent support from eligible employees at that campus and is filed within 60 days of the effective date of this section or during the certification period provided by rule.

(10) Graduate assistant unit. This unit shall consist of the positions of all graduate assistants who are enrolled in the graduate school and who hold the rank of research assistant, teaching assistant, teaching associate I or II, project assistant, or administrative fellow I or II.

(11) Non-instructional professional unit. This unit shall consist of the positions of all employees meeting the requirements of either clause (a) or (b) of section 179.63, subdivision 10, which are not defined as included within the instructional unit.

(12) Supervisory employees unit. This unit shall consist of the positions of all supervisory employees.

The employer shall petition the director within 90 days of the effective date of this subdivision indicating his position with respect to the allocation of all positions to the units provided in this subdivision. When the employer's position with respect to the positions to be included within a unit established by this subdivision is challenged by an employee organization petitioning under section 179.67, the director shall make a determination as to the allocation of the challenged positions under the language of subdivision 3. His determination shall be made within 60 days of receipt of the petitioning organization's challenge and may be appealed only to the supreme court. Should both units 8 and 9 elect exclusive bargaining representatives those representatives shall jointly negotiate a contract with the regents.

Subd. 4. [UNIVERSITY OF MINNESOTA EMPLOYEE SEVERANCE.] Each of the following groups of university of Minnesota employees shall have the right, as specified in this subdivision, to separate from the instructional and supervisory units provided for in subdivision 3: (1) health sciences instructional employees at all campuses with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (2) instructional employees of the law school with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (3) instructional supervisors, and (4) non-instructional professional 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 their unit they shall have no right to meet and negotiate, but shall retain the right to meet and confer with the appropriate officials 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 their unit 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 an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from their unit provided in subdivision 3. This election shall be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from their unit in favor of 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. 41. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.742] [TRANSITION TO NEW BARGAINING UNIT STRUCTURE FOR STATE AND UNIVERSITY OF MINNESOTA 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, if any, of exclusive representatives for the appropriate units of state employees and university of Minnesota employees established by section 38. Subsequent to the initial certification and decertification, if any, pursuant to this section, the provisions of this section shall not apply.

Subd. 2. [EXISTING MAJORITY.] The director shall certify an employee organization as exclusive representative for an appropriate unit established by section 38 upon a petition filed with the director by the organization within 30 days of the effective date of this section for state employees and within 180 days of the effective date of this section for university of Minnesota employees 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 38 on the effective date of this section. Two or more employee organizations which represent the employees in a unit established by section 38, 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 to the remaining organization or organizations, the

employer, and the director 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 45 days of its receipt.

Subd. 3. [NO EXISTING MAJORITY.] (1) If no exclusive representative is certified under subdivision 2, the director shall certify an employee organization as exclusive representative for an appropriate unit established by section 38 upon a petition filed by the organization within the time period provided in subdivision 2, stating that the petitioner is certified pursuant to section 179.67 as the exclusive representatives of fewer than a majority of the employees included within the unit established by section 38, where no other employee organization so certified has filed a petition within the time period provided in subdivision 2 so long as a majority of the employees in the unit established by section 38 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 38 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 to the remaining organization or organizations, the employer, and the director 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 45 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 for state employees and within 195 days of the effective date of this section for university of Minnesota employees stating that at least 30 percent of the employees included within a unit established by section 38 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 for state employees and within 225 days of the effective date of this section for university of Minnesota employees and shall, where not inconsistent with other provisions of this section, be governed by section 179.67.

Subd. 4. [DECERTIFICATION.] Prior to January 1, 1981 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 and only when the certification was made pursuant to subdivisions 2 or 3(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 and university of Minnesota 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 and university of Minnesota 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. Should an exclusive bargaining agent not be certified for the unit provided for in section 38, subdivision 3, clause (2), the employees assigned to that unit shall continue to be compensated pursuant to the appropriate university of Minnesota civil service rules, or by the terms of any master or uniform contract of their particular trade which exists between associations of employers in their local area representing all or substantially all of the employees of that trade, if such method of compensation has been elected by the employee previous to the effective date of this section.*

Nothing in sections 1 to 42 shall prevent an exclusive representative certified after the effective date of sections 1 to 42 from assessing fair share or dues deductions immediately upon certification for employees in a unit established under section 38 if the employees were unrepresented for collective bargaining purposes prior to that certification.

Sec. 42. *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 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 employee from an appropriate unit of nonsupervisory 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 32. 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 ap-*

plication 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 subdivision 1 of section 38 employees sought to be excluded by a timely and valid petition as supervisory or confidential shall be counted or 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. 43. 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; ~~43.111~~; 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; ~~43.246~~; ~~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. 44. 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 section 64 shall expire on July 1, 1981, but shall apply to all arbitration proceedings which are to determine contractual provisions for the 1981-1983 contract period.* The provisions of sections ~~63~~ 64, 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. 45. [AGREEMENTS APPROVED.] *Notwithstanding the provisions of Minnesota Statutes, Section 299D.03, Subdivision 2, commencing July 2, 1980, the monthly base salary for highway patrol corporal, 10 through 20 years of service, shall be \$1,749.*

Notwithstanding the provisions of Laws 1979, Chapter 332, Section 109, employees of the department of economic security who are represented by the Minnesota administrative hearing officers association shall be entitled to receive the benefits pro-

vided by Laws 1979, Chapter 332, Section 109, provided they meet the applicable eligibility requirements.

Notwithstanding the provisions of Minnesota Statutes, Section 179.74, Subdivision 5, the commissioner of personnel is authorized to implement those provisions of the agreements negotiated with the Minnesota nurses association covering employees of the department of health which establish wages and economic fringe benefits. In lieu of the salaries provided by Minnesota Statutes, Section 43.12, Subdivisions 2 and 3, covered employees shall receive the salary increases provided by Laws 1979, Chapter 332, Section 103.

Sec. 46. [REPEALER.] 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; and 179.64, Subdivision 7, are repealed.

Sec. 47. [APPROPRIATION.] Subdivision 1. The amount of \$285,000 is appropriated for the period ending June 30, 1981 to the department of employee relations. The personnel complement of the department of employee relations is increased by 5 persons.

Subd. 2. The amount of \$100,500 is appropriated for the period ending June 30, 1981 to the bureau of mediation services for the purpose of implementing sections 19 to 40.

Sec. 48. [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. 49. [EFFECTIVE DATE.] Section 16 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. Any impermissible affiliation existing on the effective date of this section may continue until the termination of any labor agreement in effect on the effective date of this section."

Delete the title and insert:

"A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state and university of Minnesota 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 duty of the revisor of statutes regarding certain collective bargaining agreements; ratifying 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; 43.18, Subdi-

vision 4; 43.19, Subdivision 1; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivisions 7 and 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, Subdivisions 2 and 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; and 179.64, Subdivision 7."

The motion prevailed. So the amendment was adopted.

Mr. Coleman moved to amend the Coleman amendment to S. F. No. 2085 as follows:

Page 23, line 11, delete "179.69" and insert "179.691"

Page 23, line 20, delete "179.69" and insert "179.691"

Page 23, line 25, after the colon insert "I"

Page 23, line 31, delete "179.69 or" and insert "179.691 or 179.692"

The motion prevailed. So the amendment to the amendment was adopted.

Mr. Ashbach moved to amend the Coleman amendment to S. F. No. 2085, as follows:

Pages 22 to 24, delete section 22

Page 52, after line 9, insert:

"Sec. 43. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.78] [TEACHERS; NEGOTIATIONS; ARBITRATION.]
Subdivision 1. The provisions of this section shall govern the negotiation and arbitration of a collective bargaining agreement between the employer and the exclusive representative of the teachers. The provisions of sections 179.61 to 179.76 shall continue to govern the rights and obligations of teachers, their exclusive representative and their employer except to the extent that the provisions are inconsistent with the provisions of this section.

Subd. 2. The employer and the exclusive representative of the teachers shall execute a written contract or memorandum of contract as provided in section 179.70 not later than July 1 of each odd-numbered year. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and

the exclusive representative fail to execute a contract by July 1 of the odd-numbered year, they shall be conclusively presumed to be at an impasse.

Subd. 3. If a new or different exclusive representative is certified by the director at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the director, the provisions of subdivision 2 shall not apply. In those cases, the employer and the exclusive representative of the teacher shall execute a written contract or memorandum of contract as provided in section 179.70 no later than 60 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and the exclusive representative fail to execute a contract by 60 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse.

Subd. 4. Upon an impasse, either party may petition the director for binding arbitration. When a petition for binding arbitration is filed by either party and an impasse exists, the director shall notify the other party of the filing of a petition for binding arbitration. The other party shall have 15 days after notification of the filing of the petition to reject the request or to agree to submit matters not agreed upon to binding arbitration. If the other party does not respond within 15 days, the failure to respond shall be regarded as a refusal to submit to binding arbitration within the meaning of subdivision 6.

Subd. 5. (a) When the parties have agreed to binding arbitration and an impasse exists, the director shall require the parties to submit their final positions on all issues in dispute within 10 days of the agreement. The director shall define and state the issues in dispute and the final position of each party on each issue. In defining the issues in dispute, the director shall follow the rules promulgated by the board. The director may seek clarification from the parties about their final position on each issue as defined. The final positions of the parties shall be confidential, and the director shall not disclose them before certification of the dispute to the board.

(b) The director shall certify the dispute to the board by transmitting to it a statement in which the director defines the issues in dispute and the parties' final position on each disputed issue. The certification shall be made within 20 days after the director is notified that both parties agree to binding arbitration.

(c) When a dispute is certified to the board as provided in this section, the board shall constitute an arbitration panel in the manner provided by section 179.72, subdivision 6.

(d) The arbitration panel or arbitrator shall resolve the issues in dispute between the parties as certified by the director. The decision and order of the arbitration panel or arbitrator shall be final and binding on the parties. A dispute shall be resolved by the selection of the final position of one of the parties with respect to each issue as defined and stated by the director. Each issue shall be resolved on an independent basis, and the adoption of one party's final position on one issue shall not preclude the adoption of the other party's final position on other issues. In determining which party's final position to adopt with respect to an issue, the arbitration panel or arbitrator shall be governed by section 179.72, subdivision 7.

(e) The arbitration panel or arbitrator shall have the powers and follow the procedures set forth in section 179.72, subdivisions 8 and 9. The parties shall have the power set forth in section 179.72, subdivision 12.

(f) Before the effective date of this section, the board shall promulgate rules pursuant to chapter 15 governing the definition of disputed issues by the director for purposes of this section. The rules shall recognize the independent status of all matters which are not logically required to be grouped as a single issue, and they shall recognize the right of the parties to submit a final position on each independent matter.

Subd. 6. Teachers shall have the right to strike and a defense to a charge of violating section 179.64 only under the following circumstances:

(a) The employer has violated section 179.68, subdivision 2, clause (9);

(b) Either party has refused a request by the other party for binding arbitration pursuant to this section; or

(c) Sixty days after an impasse in contract negotiations, there is no agreement to submit the issues in dispute to binding arbitration pursuant to this section."

Page 53, lines 31 and 32, delete "179.64, Subdivision 1;"

ReNUMBER the sections in sequence

Correct all internal references

Amend the title as follows:

Page 55, line 7, delete ", and by adding a subdivision"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 18 and nays 32, as follows:

Those who voted in the affirmative were:

Ashbach
Bang
Barrette
Brataas

Dunn
Engler
Frederick
Keefe, J.

Kirchner
Knaak
Knutson
Olhoft

Omann
Pillsbury
Renneke
Rued

Sieloff
Ueland, A.

Those who voted in the negative were:

| | | | | |
|-------------|--------------|---------|-------------|-----------|
| Anderson | Hughes | Menning | Setzepfandt | Tennessen |
| Chmielewski | Humphrey | Merriam | Spear | Vega |
| Coleman | Keefe, S. | Moe | Staples | Wegener |
| Davies | Kleinbaum | Nelson | Stern | Willet |
| Dieterich | Knoll | Nichols | Stokowski | |
| Gearty | Laufenburger | Penny | Strand | |
| Gunderson | Luther | Schmitz | Stumpf | |

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

Mr. Anderson moved to amend the Coleman amendment to S. F. No. 2085 as follows:

Page 54, after line 1, insert:

"Sec. 47. Notwithstanding any law to the contrary, no collective bargaining agreement, arbitration award or contract of employment taking effect on or after July 1, 1981, between a school district and an exclusive representative of a teacher or a teacher in a public school shall increase the number of salary steps for teachers. Effective with the 1981-1982 school year, the two lowest paid salary steps for teachers in public schools shall be eliminated by all school districts in the state."

Renumber the sections in sequence

The motion prevailed. So the amendment was adopted.

Mr. Pillsbury moved to amend the Coleman amendment to S. F. No. 2085 as follows:

Page 9, after line 33, insert:

"Sec. 8. Minnesota Statutes, 1979 Supplement, Section 43.067, Subdivision 4, is amended to read:

Subd. 4. [LIMIT ON POLITICAL SUBDIVISION SALARIES.] Notwithstanding any other law to the contrary, no salary of a person employed by a city, county, town, school district, metropolitan or regional agency, or other political subdivision of the state may exceed 106 1/10 percent of the salary of the commissioner of finance."

Renumber the sections in sequence

Correct the internal references

Amend the title as follows:

Page 55, line 13, after "43.067," delete "Subdivision" and insert "Subdivisions"

Page 55, line 14, before the first semicolon insert "and 4"

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

Mr. Nelson moved to amend the Coleman amendment to S. F. No. 2085, as follows:

Page 21, after line 21, insert:

"The exclusions of clauses (e) and (f) of this subdivision shall not apply to an employee hired by a school district to replace an absent teacher who at the time of his absence is a "public employee" not within the other exclusions of this subdivision where the replacement employee is employed more than 30 working days as a replacement for that teacher;"

The motion prevailed. So the amendment was adopted.

Mr. Penny moved to amend the Coleman amendment to S. F. No. 2085, as follows:

Page 23, line 9, delete *"either:"*

Page 23, line 10, delete *"(i)"*

Page 23, delete lines 12 and 13

Page 23, line 14, delete *"binding arbitration;"*

Page 23, line 18, delete *"either: (1)"*

Page 23, line 20, delete *"; or (ii)"*

Page 23, delete lines 21 and 22

Page 23, line 23, delete *"arbitration"*

Page 30, line 11, reinstate *"either"*

Page 30, line 11, strike *"both"*

Page 30, line 13, strike *"petition"* and insert *"petitions"*

Page 30, lines 14 and 15, reinstate the stricken language

Page 30, line 16, before the period, reinstate the stricken language

Page 31, line 4, after *"by"* insert *"45 days after"*

Page 31, line 9, delete *"30"* and insert *"45"*

Page 36, after line 2, insert:

"Sec. 36. Minnesota Statutes, 1979 Supplement, Section 179.72, Subdivision 7b, is amended to read:

Subd. 7b. Notwithstanding the provisions of subdivision 7, for essential employees, supervisory employees, confidential employees, teachers and principals and assistant principals who are not employees of the executive branch of the state of Minnesota, the panel shall be restricted to selecting between the final offers on each impasse item submitted by the parties to the panel."

Renumber the sections in sequence

Correct the internal section references accordingly

Amend the title amendment as follows:

Page 55, line 16, after *"6;"* insert *"179.72, Subdivision 7b;"*

Mr. Bernhagen requested division of the amendment as follows:

First portion:

Page 23, line 9, delete "*either*:"

Page 23, line 10, delete "*(i)*"

Page 23, delete lines 12 and 13

Page 23, line 14, delete "*binding arbitration*;"

Page 23, line 18, delete "*either: (1)*"

Page 23, line 20, delete "; or *(ii)*"

Page 23, delete lines 21 and 22

Page 23, line 23, delete "*arbitration*"

Page 30, line 11, reinstate "*either*"

Page 30, line 11, strike "*both*"

Page 30, line 13, strike "*petition*" and insert "*petitions*"

Page 30, lines 14 and 15, reinstate the stricken language

Page 30, line 16, before the period, reinsert the stricken language

Page 31, line 4, after "*by*" insert "*45 days after*"

Page 31, line 9, delete "*30*" and insert "*45*"

Second portion:

Page 36, after line 2, insert:

"Sec. 36. Minnesota Statutes, 1979 Supplement, Section 179.72, Subdivision 7b, is amended to read:

Subd. 7b. Notwithstanding the provisions of subdivision 7, for essential employees, supervisory employees, confidential employees, *teachers* and principals and assistant principals who are not employees of the executive branch of the state of Minnesota, the panel shall be restricted to selecting between the final offers on each impasse item submitted by the parties to the panel."

Renumber the sections in sequence

Correct the internal section references accordingly

Amend the title amendment as follows:

Page 55, line 16, after "*6*;" insert "*179.72, Subdivision 7b*;"

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

The roll was called, and there were yeas 15 and nays 38, as follows:

Those who voted in the affirmative were:

Bernhagen
Brataas
Engler

Gunderson
Keefe, J.
Kleinbaum

Knaak
Knutson
Laufenburger

Olson
Penny
Pillsbury

Sillers
Strand
Wegener

Those who voted in negative were:

| | | | | |
|-----------|------------|---------|-------------|------------|
| Bang | Hughes | Merriam | Schaaf | Stokowski |
| Barrette | Humphrey | Moe | Schmitz | Stumpf |
| Benedict | Keefe, S. | Nelson | Setzepfandt | Tennessee |
| Coleman | Knoll | Nichols | Sieloff | Ulland, J. |
| Dieterich | Lessard | Ogdahl | Sikorski | Vega |
| Dunn | Luther | Olhoft | Spear | Willet |
| Frederick | McCutcheon | Renneke | Staples | |
| Gearty | Menning | Rued | Stern | |

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

Mr. Bernhagen moved to amend the second portion of the Penny amendment to S. F. No. 2085, as follows:

Page 1, subdivision 7b, in the next to the last line, after "final offers" insert "*on salary related matters*"

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

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

The roll was called, and there were yeas 10 and nays 44, as follows:

Those who voted in the affirmative were:

| | | | | |
|---------|-------------|-----------|-----------|-------------|
| Ashbach | Brataas | Gunderson | Penny | Setzepfandt |
| Bang | Chmielewski | Knaak | Pillsbury | Wegener |

Those who voted in the negative were:

| | | | | |
|-----------|-----------|---------|----------|------------|
| Anderson | Hughes | Merriam | Rued | Stern |
| Barrette | Humphrey | Moe | Schaaf | Stokowski |
| Benedict | Keefe, J. | Nelson | Schmitz | Stumpf |
| Bernhagen | Keefe, S. | Nichols | Sieloff | Tennessee |
| Coleman | Kirchner | Ogdahl | Sikorski | Ulland, A. |
| Dunn | Knoll | Olhoft | Sillers | Ulland, J. |
| Engler | Lessard | Olson | Solon | Vega |
| Frederick | Luther | Omann | Spear | Willet |
| Gearty | Menning | Renneke | Staples | |

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

Mr. Bernhagen moved to amend the Coleman amendment to S. F. No. 2085 as follows:

Page 23, line 23, after the period, insert "*Notwithstanding clause (i) or (ii), teachers may not strike unless there is an affirmative vote by two-thirds of the teachers covered by the contract authorizing a strike. The strike vote must be taken after the required mediation sessions.*"

The roll was called, and there were yeas 3 and nays 52, as follows:

Messrs. Bernhagen, Omann and Rued voted in the affirmative.

Those who voted in the negative were:

| | | | | |
|-------------|--------------|-----------|-------------|------------|
| Anderson | Gearty | Luther | Renneke | Stokowaki |
| Bang | Gunderson | Menning | Schaaf | Strand |
| Barrette | Hughes | Moe | Schmitz | Stumpf |
| Benedict | Johnson | Nelson | Setzepfandt | Tennessen |
| Brataas | Keefe, J. | Nichols | Sieloff | Ueland, A. |
| Chmielewski | Keefe, S. | Ogdahl | Sikorski | Ulland, J. |
| Coleman | Kirchner | Olhoff | Sillers | Vega |
| Dieterich | Kleinbaum | Olson | Solon | Willet |
| Dunn | Knoll | Penny | Spear | |
| Engler | Laufenburger | Perpich | Staples | |
| Frederick | Lessard | Pillsbury | Stern | |

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

Mr. Coleman moved to amend the Coleman amendment to S. F. No. 2085, adopted by the Senate March 31, 1980, as follows:

Page 21, line 5, delete "500" and insert "200"

Page 45, line 2, delete "certification" and insert "decertification"

Page 53, delete section 45 and renumber the sections in sequence

Amend the title as follows:

Page 54, line 38, delete "ratifying certain"

Page 55, line 1, delete "collective bargaining agreements;"

The motion prevailed. So the amendment to the amendment was adopted.

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 of Minnesota 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 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; 43.18, Subdivision 4; 43.19, Subdivision 1; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivisions 7 and 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, Subdivisions 2 and 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; and 179.64, Subdivision 7.

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

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

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

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

The question recurred on H. F. No. 1981.

H. F. No. 1981: A bill for an act relating to public welfare; authorizing certain payments to shelter facilities for battered women; requiring direct payments to shelter facilities from general assistance; amending Minnesota Statutes 1978, Section 256D.05, Subdivision 3.

Mrs. Staples withdrew her amendment.

Mrs. Staples then moved to amend H. F. No. 1981 as follows:

Page 2, after line 15, insert:

"Sec. 2. Minnesota Statutes 1978, Section 609.349, is amended to read:

609.349 [VOLUNTARY RELATIONSHIPS.] A person does not commit criminal sexual conduct under Laws 1975, Chapter 374 sections 609.342, clauses (a) and (b), 609.343, clauses (a) and (b), 609.344, clauses (a), (b) and (d), and 609.345, clauses (a), (b) and (d), if the actor and complainant were adults cohabiting in an ongoing voluntary sexual relationship at the time of the alleged offense, or if the complainant is the actor's legal spouse, unless the couple is living apart and one of them has filed for legal separation or dissolution of the marriage. Nothing in this section shall be construed to prohibit or restrain the prosecution for any other offense committed by any person against his legal spouse."

Page 2, line 16, delete "2" and insert "3"

Page 2, line 16, delete "This act is" and insert "Sections 1 and 2 are"

Page 2, line 17, before the period, insert "and section 2 applies to all crimes committed on or after that date"

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing that the status of marriage or an ongoing voluntary sexual relationship of cohabiting adults shall not be a defense to most prosecution for criminal sexual conduct;"

Page 1, line 6, delete "Section" and insert "Sections" and before the period insert "; and 609.349"

The motion prevailed. So the amendment was adopted.

H. F. No. 1981 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 50 and nays 8, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------|--------------|-------------|------------|
| Anderson | Frederick | Knaak | Olson | Stern |
| Ashbach | Gearty | Knoll | Penny | Stokowski |
| Bang | Gunderson | Laufenburger | Perpich | Strand |
| Barrette | Hughes | Lessard | Pillsbury | Stumpf |
| Benedict | Humphrey | Luther | Schaaf | Tennessen |
| Brataas | Johnson | Merriam | Setzepfandt | Ueland, A. |
| Coleman | Keefe, J. | Moe | Sikorski | Ulland, J. |
| Dieterich | Keefe, S. | Nelson | Sillers | Vega |
| Dunn | Kirchner | Nichols | Spear | Wegener |
| Engler | Kleinbaum | Ogdahl | Staples | Willet |

Those who voted in the negative were:

| | | | | |
|-------------|---------|---------|------|---------|
| Bernhagen | Menning | Omann | Rued | Schmitz |
| Chmielewski | Olhoft | Renneke | | |

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

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Penny moved that S. F. No. 1669, on Special Orders, be stricken and re-referred to the Subcommittee on Bill Scheduling of the Committee on Rules and Administration. The motion prevailed.

MEMBERS EXCUSED

Mr. Knoll was excused from this evening's Session until 9:35 o'clock p.m. Mr. Olson was excused from this evening's Session from 9:00 to 10:30 o'clock p.m. Mr. Purfeerst was excused from this evening's Session at 12:00 o'clock midnight. Mr. Lessard was excused from this evening's Session until 9:00 o'clock p.m. Mr. Perpich was excused from this evening's Session from 12:00 midnight until 2:00 o'clock a.m.

MOTIONS AND RESOLUTIONS—CONTINUED

Mr. Coleman moved that the Senate do now adjourn until 12:00 o'clock noon, Tuesday, April 1, 1980. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate